TOWNSHIP OF NUTLEY
ZONING BOARD OF ADJUSTMENT

IN THE MATTER OF:	:	
	:	
649 PASSAIC AVENUE	:	TRANSCRIPT
BLOCK-LOT: 502-15;	:	OF
	:	PROCEEDINGS
98 KINGSLAND STREET AND	:	
108 KINGSLAND STREET	:	
BLOCK-LOTS: 502-16&17	:	

Monday, November 10, 2014
Township Hall
One Kennedy Drive
Nutley, New Jersey 07110
Commencing at 7:30 p.m.

BOARD MEMBERS PRESENT:

PAUL SCRUDATO, Chairman
THOMAS DaCOSTA LOBO
FRANK GRAZIANO
LOU FUSARO
RALPH PASTORE
MARY RYDER
SERGE DEMERJIAN
SUZANNE BROWN
GARY MARINO

ALSO PRESENT:

MARIE GOWOREK, Recording Secretary
TODD HAY, PE, CPWM, CME, Board Engineer
PAUL RICCI, P.P., Board Planner

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I N D E X

APPLICANT'S WITNESSES:	PAGE
JOSEPH STAIGAR	10
DARREN PHIL	68
STEVEN CORSO	71
SKANDER MEKA	75

BOARD'S WITNESSES:	PAGE
PAUL RICCI	86
TODD M. HAY	96

QUESTIONS BY MEMBERS OF THE PUBLIC:	PAGE
PENNIE LANDRY	47
JOHN MERTZ	59
ELIZABETH MERTZ	59
MARIAN DeFEO	61
JOANNE ANDRIOLA	48

COMMENTS BY MEMBERS OF THE PUBLIC:	PAGE
SALLY GOODSON	117
BRIAN VIOLA	121
FRANCES POWERS	122
ELIZABETH ROSINO	130
JOHN MERTZ	132
ELIZABETH MERTZ	132
BILL ALGIERI	136

EXHIBITS MARKED INTO EVIDENCE

NUMBER	DESCRIPTION	PAGE

(None Marked)

CHAIRMAN SCRUDATO: Good evening. Welcome to Nutley's Board of Adjustment. Could we all please stand and salute the flag.

(The Pledge of Allegiance is recited.)

CHAIRMAN SCRUDATO: Would the Secretary please read the Sunshine Act and poll the Board.

MS. GOWOREK: Pursuant to the requirements of Section 13 of the Open Public Meetings Act, notice of this special meeting was advertised in the Nutley Sun with a copy posted on the Township of Nutley bulletin board, first floor, 1 Kennedy Drive, Township of Nutley, New Jersey. A copy sent to the Herald News. A copy is filed in the office of the Township Clerk and copies are made available to all persons requesting same.

Ms. Brown?

MS. BROWN: Here.

MS. GOWOREK: Mr. DaCosta Lobo?

MR. DaCOSTA LOBO: Here.

MS. GOWOREK: Mr. Graziano?

MR. GRAZIANO: Here.

MS. GOWOREK: Mr. Marino?

MR. MARINO: Here.

MS. GOWOREK: Mr. Pastore?

MR. PASTORE: Here.

MS. GOWOREK: Mr. Demerjian?

MR. DEMERJIAN: Here.

MS. GOWOREK: Mrs. Ryder?

MS. RYDER: Here.

MS. GOWOREK: Mr. Fusaro?

MR. FUSARO: Here.

MS. GOWOREK: Chairman Scrudato?

CHAIRMAN SCRUDATO: Here.

MS. GOWOREK: Ms. McGovern?

MS. McGOVERN: Here.

CHAIRMAN SCRUDATO: All right. We have one case this evening, Kingsland and Passaic. This is a continuation. We've had a number of meetings up to this point. So with that, I'll call upon the attorney.

MR. DiBIASI: Thank you, Mr. Chairman. For the record, counsel's name is Thomas DiBiasi, representing the developer.

Mr. Chairman, we promised at the last meeting that we would have our traffic expert here this evening and we are prepared to have that testimony be presented. After we do that, there are a couple of bookkeeping items that I would go through with the Board. There was a request that we

have our management company total up Mr. Meka's one-bedroom units and give you accurate numbers as of this evening as to how many students there are in the one-bedrooms. You will hear testimony that there are no students in any of Mr. Meka's one-bedroom units. We will give you the count on that.

Also, there was a question about the environmental issue, and I know we're not going to go through environmental this evening, that's not our jurisdiction, but I was asked to bring the backup data.

This is the 700-page environmental report that we are working off of, and with your permission, I'd like to pass it to the Chair.

CHAIRMAN SCRUDATO: I'm not going to read it tonight.

MR. DiBIASI: And then there were questions as to what the estimates were to accomplish what's in that 700-page report and we did have two estimates from our environmental engineer. One goes back to January 28 of 2014 that I would like to pass and that was by way of a memoranda, and then we had a more formal proposal, October 22 of 2014. Of course, all these reports always have the standard disclaimer, we can't guarantee, but the

estimates as of January 28, before we actually filed any application and we were in negotiations with the estate, had estimates from 500,000 with a kicker of 100,000 depending upon the amount of contamination in the soil. And then the more formal report in October has a lower threshold of 300,000 to 500,000 with that 100,000 kicker.

So with your permission, I'd like to present these to you.

CHAIRMAN SCRUDATO: Okay.

MS. McGOVERN: Okay, why don't you mark the book --

CHAIRMAN SCRUDATO: Yeah.

MS. McGOVERN: -- and these other things as whatever the next exhibit is.

CHAIRMAN SCRUDATO: You're submitting the environmental report.

MR. DiBIASI: I think that would be helpful because some of the members questioned the liability that we would be facing. The Board will recall that at the last meeting, I represented to the Board, and Mr. Meka, at the end, could come up and we could put this under oath, that so far, we've spent just about $70,000. That's not the exact number, maybe 69,850, but I put 70,000 on it. What

that did was pull the tanks out of the ground and do additional test borings and then we stopped, as we told you, and we're not going to do anything else. That 70,000 is money that is at risk that Mr. Meka did and made a business decision on that.

MS. McGOVERN: Okay, I just want to caution the Board, the testimony or the information that you're being given is not to be considered by the Board in terms of profit or loss to the applicant --

MR. DiBIASI: That's correct.

MS. McGOVERN: -- but I understand is being submitted to establish part of your special reason for the cleanup of the property --

MR. DiBIASI: That's correct.

MS. McGOVERN: -- and the extensiveness of how contaminated it is. All right? So that's the -- the Board is not to judge whether this is a good deal or a bad deal, it's just to judge the condition of the property.

MR. DiBIASI: And I agree with counsel 100 percent. The only reason why we submitted the estimate part is because one of the Board members, maybe one or two, asked about that, so as a side, we did that, but I agree with counsel.

CHAIRMAN SCRUDATO: And do I understand you correctly, you are not continuing on with the remediation at this point?

MR. DiBIASI: No. Once we pulled the tanks out and we said we would do that, and I could give the Board a little background on that, it has nothing to do with our proofs but just for background context. Several of the commissioners asked that we would go forward and pull the tanks out. They had heard about the contamination, they were worried about spreading, they were worried about liability, so Mr. Meka made a decision that has absolutely nothing to do with our proofs here but that's how we're in this situation.

CHAIRMAN SCRUDATO: All right.

MR. DiBIASI: And with your permission, may we call our traffic expert?

CHAIRMAN SCRUDATO: Please.

MR. DiBIASI: Thank you.

Sir, please state your name for the record and be sworn.

MS. McGOVERN: You want to use the portable mic?

CHAIRMAN SCRUDATO: Yeah, will it be helpful?

MR. STAIGAR: You want me to use that? Okay.

My name is Joseph Staigar.

CHAIRMAN SCRUDATO: Would you spell your last name and give us your address, please.

MR. STAIGAR: Yes. S-T-A-I-G-A-R, 245 Main Street, Chester, New Jersey. That's my business address.

CHAIRMAN SCRUDATO: Would you raise your right hand, sir?

J O S E P H S T A I G A R, 245 Main Street, Chester, New Jersey 07930, first having been duly sworn, testified as follows:

CHAIRMAN SCRUDATO: Please continue.

MR. DiBIASI: And Mr. Chairman, would you accept Mr. Staigar as an expert in traffic or would you like me to go through his --

CHAIRMAN SCRUDATO: No.

MR. DiBIASI: -- background?

CHAIRMAN SCRUDATO: He's acceptable, he's testified before this Board before.

MR. DiBIASI: Yes, he has.

MR. STAIGAR: Thank you.

DIRECT EXAMINATION BY MR. DiBIASI:

Q. As a matter of fact, Mr. Staigar, you

and I were in front of this Board for seven months when we did the 7-Eleven application; is that correct, sir?

A. That is correct, yes.

Q. And at that time, you and I agreed and we still agree that by the time we were done with that application, we had really worked that application well; is that correct, sir?

A. Absolutely. We were down to the final wire in getting all the other permits beyond the township --

Q. Yes, and with the Board's input, and the Board gave you and my client a lot of their wisdom, we were able to take that wisdom and put it into a package that the Board was comfortable with; is that correct, sir?

A. Yes, as part of the modifications that improved the site.

Q. And although we're here on another application, you and I still stand by the fact that the testimony you presented on behalf of 7-Eleven was accurate and, in fact, if 7-Eleven did not pull out, that application would work.

A. Absolutely, yes.

Q. Yes. Okay. Now, having said that,

it's always better to conceivably have a better use on the property, so let's find out if, in fact, we're going in the right direction.

I'd like you to take what was there six years ago when the gas station was in operation, maybe even seven years ago, and the three-family was in operation and the one-family was in operation. Talk to us about the kind of traffic those uses would generate, then let's move forward to what we did, collectively with the Board, on the 7-Eleven application and then overlay that with the 27 residential units and Mr. Meka's management company.

A. Yes. And I'll make that comparison and add one more to it, what would be permitted by right. So we have essentially three scenarios of potential development on this application, the fourth one being the one that's before you.

The first one is the former use. We had a gas station site on this and we have a total of four units, residential units, one with three-family and a single-family. There are five driveways that service these existing or former uses. The gas station has two driveways on Kingsland Street and one driveway on Passaic, the one residential has a driveway on Passaic, and the

other residential use has a driveway on Kingsland, so there are five driveways that are currently out there today and service the properties that are the subject of the application.

In addition to that, and I'll be talking about trip generation rates, what could be expected by these other uses and make comparisons to the proposal before you. But a gas station with four residential units would generate 84 trips in the morning and evening peak hours and we're going to key in on the peak hours and deal with peak-hour rates. So we have 84 trips that would be generated if the existing uses were reactivated or 84 trips as it existed six or seven years ago when they were fully utilized. These five driveways also are full movement, you could make lefts in, lefts out, rights in, rights out, so five full movement driveways. Some of these driveways, particularly the gas station driveways, are almost right on top of the intersection, they're very close to the intersection. So the existing situation or former use situation had a potential for a traffic impact by generating a substantial amount of traffic, a significant amount of traffic, but also operation of five driveways, which two or three of them which

were very close to the intersection.

The second scenario that Mr. DiBiasi did not mention but I want to make a comparison is the permitted uses. We are in a B-1 zone that allows retail uses. On this site could be a retail use. A retail use is going to generate -- any retail use is going to generate somewhere on the order of 20 or 30 vehicle trips per hour in addition to the four residential units. I'm just making the gas station part, which is in the B-1 zone, and we're talking on the order of about 20 or 30 trips, minimum, that would be generated by that use. Again, the driveways would be on top of the intersection. You would potentially have two driveways, one on Passaic and one on Kingsland, in order to avail traffic flow, particularly truck traffic, because a retail use will generate truck traffic for deliveries and such, inability in that small lot for turnaround for those trucks so you'd probably have the truck coming in one direction and leaving out the other direction leading to the driveways. So a permitted use on this site that would not even need to go before this Board, would generate more traffic than what's being proposed.

And then the third scenario would be

what's recently been approved on this site which is a 7-Eleven convenience store. Now, a 7-Eleven convenience store generates a substantial amount of traffic. The peak hours generate 200 -- over 200 trips per hour, over a hundred in and a hundred out. The evening peak hour is a little bit less, about 160, 80 in and 80 out. Now, of that traffic, the majority of it is pass-by traffic, meaning that you're not going to see a hundred new trips or 200 new trips per hour being brought to this area. This is traffic that's primarily drawn from the passing stream of traffic. The traffic report that I submitted to this Board in that 7-Eleven application used the ITE, the Institute of Transportation Engineers, percentage rates for pass-by, which is about two-thirds, so two-thirds of that traffic would be pass-by traffic based on the ITE rates. My testimony was probably higher and a lot of that testimony was related to comments and questions that I got from the Board as well as the residents who opined or brought to my attention that this is a bad intersection, that there's a lot of traffic here and you can't get in, you can't get out. Well, that was all the more reason why I expected even more pass-by traffic because if conditions are such that we do

have heavy traffic volumes on Kingsland and Passaic and you can't get in and you can't get out, then no one's going to come from out of town to go buy a cup of coffee at 7-Eleven and drive back out again, it just goes against human nature, and therefore, my testimony was that probably a higher rate than two-thirds would be pass-by traffic, but there still would be new traffic that would be generated by that 7-Eleven site. But the 7-Eleven had two driveways, it had one on Kingsland, which was a full movement driveway, and it had one on Passaic Avenue, which precluded left-turn exits. It had tractor-trailer deliveries going in and going out and that tractor-trailer was like a big elephant trying to get in and out of the site, we were able to manipulate the site to accommodate that tractor-trailer but it did have tractor-trailer access and would utilize tractor-trailers. What's being proposed before you would not generate tractor-trailers.

And what's being proposed before you are 27 units, residential apartment units, and about 1450 square feet of office space that would be utilized by the -- by Mr. Meka and his property management company. When we take a look using the same ITE trip generation rates that I've provided

you for the other three scenarios, this site would generate 15 trips in the morning and 18 trips in the evening, so we're comparing -- just raw numbers, we're comparing the gas station and the existing uses, residence uses, as 84 trips during the peak hour; a permitted use, a retail use, that generates at least 30 trips per hour, and the 7-Eleven may generate as much as a hundred trips per hour, to 18 trips per hour for what's being proposed. So what's being proposed is a far-less trip generator than any of those other three scenarios, which, in some fashion, by right, would be approved or were approved, existing use, a permitted use and the approved 7-Eleven use.

The other aspect that we are -- that benefits traffic is that we are removing the Passaic Avenue driveway. Again, the 7-Eleven had a Passaic Avenue driveway as well as a Kingsland. We only have one driveway, on Kingsland. The more problematic driveway, through the testimony that was presented and the questioning and your experts' comments, was the Passaic Avenue driveway in that 7-Eleven application. We precluded -- we restricted the left turns out to help make that work, we're removing the stop bar at the traffic light so we

could get cars out of that Passaic Avenue driveway, so there's a lot of manipulations that need to be made in that application to get that Passaic Avenue driveway to work, but again, having no driveway there is better than what we had under the 7-Eleven scenario.

So, overall, the ultimate conclusions that I made in doing a -- actually, a formal traffic report where we went back out and took traffic counts, we found them to be representative of what we had during the 7-Eleven application; in fact, they were a little bit lower, probably because of seasonal variation. The 7-Eleven, we took the counts in December and you do have the Christmas season and you do have the Clifton Commons. Traffic volumes were a little bit lower. More recently for this application, we took them in September, traffic was a little bit lower than the December counts, so I utilized the December counts, the higher counts, and analyzed it with the proposed project that's being developed to analyze the driveways as well as the intersections. Everything operates within a level of service C or better. Now, levels of service range from A through F. We're at that middle range of level of service C. There's no

impact, meaning that when we analyze it under existing conditions or we analyze it under build conditions with the additional 18 trips that this site would generate documenting the peak hour, there's no change in the level of service.

The other aspect that we looked at was the site plan itself to make sure that it operated safely and efficiently, our office worked with the site engineer and the site architect to make sure that we had adequate safe access. We still need to get a DOT permit, we're going to make an application for our driveway on Kingsland Street, but we need all of the criteria of the access code that will allow us to get that driveway. Big difference on this driveway is that we needed a major application at the DOT for the 7-Eleven. For what's being proposed, we only need a minor application. So in the eyes of DOT alone, we're a much less trip generator, a much less impact on traffic than the 7-Eleven application.

We are asking for some relatively minor variances. We meet the parking requirements. We need 46 parking spaces, we provide 47. Our spaces are 9 by 18 where your ordinance requires 19 feet. Now, although the RSIS technically is not applicable

because we have a mixed use that shares parking but the RSIS standard allows for 18 feet, there's many projects that I've worked on in Nutley as well as surrounding townships where we've utilized 18-footers and those projects and the parking works very well in those terms. So the 18 feet is a standard of today. As I said, most ordinances allow for it, the ITE recommends it as well as the RSIS, it's an RSIS standard.

One point I'd like to make about it, too, is that even taking all the trip generation into account, when you look at the former use, primarily the gas station, when you look at the permitted use, the permitted use is retail uses, and you look at the 7-Eleven, they were trip generators for land uses that primarily required essentially a hundred percent of their traffic being generated by passenger vehicles. One thing we looked at, we looked at the New Jersey Transit availability and there are 99 bus lines within a half-a-mile distance from the site as well as the Newark Light Rail system within that half mile and that's conducive to residential uses, whereas none of the retail would utilize buses or the Light Rail but, certainly, there is going to be a portion of the residences who

might be easily inclined to use mass transit on this. The numbers I give you do not take mass transit credit. 18 trips per hour is assuming nobody uses mass transit, but there is mass transit availability here and I think that 18 number is going to be somewhere in that 16 or 15 number because you will have some mass transit utilization by the residential use where there's no chance or very limited chance that any retail use would have used mass transit. So I believe that the site plan is safely and adequately designed.

Oh, other variance we are requesting. We have three compact spaces of 9 by 15. They will be designated as compact spaces. Two of them are on the lower level and one of them is up on the upper level. Our parking management plan, what we envision at this point in time, is that we will assign 27 of the 32 spaces on the lower level to residential units. The retail -- not retail, commercial will be utilizing, most likely, the upper level, so -- and there's going to be a shared parking availability. When the office is in use during the weekdays, during the day, midday, the residents are typically out not needing parking, that's not their parking demand, and towards the end

of the day and at night when the residents return, the office employees will leave, so there'll be -- there will be availability of some shared parking. So the 47 parking spaces, in essence, will work even better with that shared parking. As I pointed out, 27 spaces, we will assign to 27 of the units so that unit 1 will have Space 1 downstairs and 2 will have Space 2, and the remainder of them, the other 15 -- is it 15 or, I'm sorry, 20 -- the other 20 will be pooled between the retail, visitors, if a unit just so happened to have two cars instead of one car, for that type of availability.

So, again, I believe that the -- and the concrete compact spaces is comprised of 6 percent of the total number of 47 spaces that would certainly be accommodated by the use of compact spaces. Compact spaces on the road today, particularly here in northeast New Jersey, is over 50 percent. If you count cars that are on the road today, about 50 percent or more are compact or small cars. We only have 6 percent that we're allotting to that are small cars or compact cars.

Q. Mr. Staigar, under the Supreme Court, the Medici case, it's the applicant's obligation to not only prove valid reasons to approve this but

also to make sure that there's no negative impact. So let's sum up your testimony, if we might.

Within the framework of sound traffic engineering principles, can you render an opinion that if this Board grants a variance for compact cars and for the 18 feet as opposed to 19 feet dimension, that those variances would not negatively impact on the zone plan of the zoning ordinance?

A. No, not at all. I think the compact spaces could be assigned to three units of the people that own compact cars, so it's easily manageable, particularly when you have at least 50 percent of the cars that intend to use this parking lot will be small cars. And again, the 18-foot length is a standard design and recognized by most industry entities and standards.

Q. Does that mean that you're recommending to the Board that the Board grant these variances?

A. Yes.

MR. DiBIASI: Mr. Chairman, your witness for cross-examination.

CHAIRMAN SCRUDATO: Thank you. Questions from Board members, please.

MS. McGOVERN: Could I just ask one? You only did one report, September 12; is that the

only one?

MR. STAIGAR: Yes.

MS. McGOVERN: And the numbers that are in this were proposed on the 36, the original application at 36 units.

MR. STAIGAR: Repeat that again? I'm sorry.

MS. McGOVERN: The original application had 36 apartment units, now we're down to 27 --

MR. STAIGAR: That's correct.

MS. McGOVERN: -- and, I'm sorry, I think I missed your testimony.

MR. STAIGAR: Oh.

MS. McGOVERN: Are the trip -- are you sticking with the same numbers here or did you reduce the trips?

MR. STAIGAR: No, the numbers I gave you -- that will probably be the only -- well, I shouldn't say the only but that table will be -- Table 6 -- I'm sorry, Table 4 on Page 7, those numbers would change to the numbers that I just provided.

The new numbers, and I'll go to the last column, which is total trip generation --

MS. McGOVERN: Okay.

MR. STAIGAR: -- would be -- an a.m. peak hour would be 4 trips in, 11 trips out, for a total of 15, and then in the p.m. peak hour, 11 trips in, 7 trips out, for a total of 18.

MS. McGOVERN: Thank you.

MR. STAIGAR: You're welcome. I didn't revise the report because, obviously, if that found no negative impacts, less traffic generated will come up with the same conclusion.

MS. McGOVERN: Okay.

MS. BROWN: Mr. Staigar, I'd just like some clarification. You said the Light Rail's within a half mile of here?

MR. STAIGAR: Yes. That's on the New Jersey Transit website.

MS. BROWN: That's a real train and it's a mile from here.

MR. STAIGAR: Excuse me?

MS. BROWN: It's not a Light Rail, it's a commuter train and it's a mile.

MR. STAIGAR: Commuter train. I went on the New Jersey Transit website and you punch in an address, this address of Kingsland and Passaic Avenue, it'll give you the actual New Jersey Transit

bus lines as well as -- I could have gotten it wrong but there was a train station, I thought it said Newark.

MS. BROWN: No, it's the main line, New Jersey Transit, and it's a mile.

MR. STAIGAR: I stand corrected then.

MS. BROWN: I just wanted to clarify that.

MR. STAIGAR: Okay.

MS. BROWN: I have another question. I know you're using your ITE standards but practically speaking, if you have seven one-bedroom apartments, you potentially could have two people in each apartment, which potentially makes two cars.

MR. STAIGAR: You potentially could and you could have one person in each --

MS. BROWN: You could.

MR. STAIGAR: -- and --

MS. BROWN: And most people leave for work around the same time, so...

MR. STAIGAR: Well, that's not true and that's found from the U.S. Census data, which has "Journey to Work" information of that. About one- third of the trips that are generated by a residential use occur in one hour.

MS. BROWN: I understand --

MR. STAIGAR: It's not most.

MS. BROWN: -- you're talking in general, I'm talking in specific --

MR. STAIGAR: I am too.

MS. BROWN: -- in Nutley in this area.

MR. STAIGAR: Absolutely. I'm using the U.S. Census data for the Township of Nutley. So I'm not using something from the ITE that's reasonable and national, I'm using --

MS. BROWN: And they tell you what time I leave for work?

MR. STAIGAR: Not you particularly but residents in Nutley, what time they leave for work. And it's about one-third of them leave within an hour period. It's online, it's U.S. Census data, it's called "Journey to Work"; it has a lot of information about how many vehicles are available, what percentage drive, what percentage take mass transit, what percentage walk, work at home and so forth. And it's for Nutley. You can actually fine-tune it if you want for actual census tracks as well but we utilized the township. So it is very specific.

MS. BROWN: And you believe that this

development will only generate 15 trips at peak time, an hour?

MR. STAIGAR: Absolutely. And we've tested our -- the ITE to northeast New Jersey. We found them to actually be -- to be very conservative. When we sit and we actually go to other residential developments in towns like this and then compare them to the ITE, which are standards that are more national or regional, I mean, you can't get anymore densely populated with mass transit availability than northeast New Jersey, and when you compare them to trip-generation rates out in Kansas or Washington State or other areas, you're going to come up with higher numbers. The ITE takes all of that data, statistically analyzes, and says "Okay, here's the number that you use throughout the United States," and when we've gone out to actual driveways of similar types of developments, whether there were single-family home developments or apartments or condos, we found consistently, particularly here in northern New Jersey, northern New Jersey, that the ITE rates are much higher than what we're actually seeing in this area, and the reason being is we are in the most densely-populated state and being in the New York

metropolitan area with bus lines and train availability, people carpooling and more density, you have that more availability that you don't need to jump into a car to do every errand and to do everything that you need by yourself.

MS. BROWN: With all due respect, I take mass transit and I drive to the train station, so I still have to get in my car.

MR. STAIGAR: I'm very respectful of that, I condone you for that, and there are people that when I stand at a train station, they get dropped off. I designed the Bay Street train station in Montclair and we just did a trip-generation study over there, and if you watch that, there's cars lined up when the train arrives because wives, husbands, friends picking up people at that train station, and that's what happens at trains, there's a drop-off called a "kiss-and-leave goodbye" area for people drop off people. So while I understand that you may drive to mass transit, there are many, many-people that don't drive to mass transit that get dropped off.

MS. BROWN: What would be the difference if my husband drove me there? It's still generating another trip.

MR. STAIGAR: Okay. Your husband goes to work, you go to work, you get in his car, one car leaves, you get dropped off at the train station, he continues on to your work. The reverse would be if he got in his car or you got in your car, went to the train station, and he took off and went on to his work. So that's the difference. One trip, two people.

MS. BROWN: I understand, but I also sit at that corner and I just can't believe that it's only going to generate 15 trips. When you did your analysis in the first example you gave, you said there are five driveways, a gas station and four residential units and you said that was 84 trips an hour. How many of those trips were related to the four residential units?

MR. STAIGAR: Two.

MS. BROWN: There were two.

MR. STAIGAR: Yeah. The four units generated two trips. And the gas station generates a total of 82. That's how I got my 84. Now we have 27 units and I'm saying that they're going to generate 15 in the morning and 18 in the evening and these are single -- one-bedroom apartment units compared to a single-family home and I don't know

how many bedrooms are in the apartments, but again, I'm using the same ratio and probably using a higher ratio for my -- for the proposed scenario than my comparison of existing use.

MR. DiBIASI: Mr. Staigar, let's follow up on that questioning. If we were to take that hypothetical and say that your numbers are woefully conservative, let's bump them up to 60 an hour, that's one a minute; is that correct, sir.

MR. STAIGAR: Correct.

MR. DiBIASI: How does that work?

MR. STAIGAR: In terms of? I'm not following you.

MR. DiBIASI: Ingress and egress.

MR. STAIGAR: Well, that would still be less than the 7-Eleven in terms of amount of traffic trying to get in and out of the site. Even if I trimmed that number or quadrupled the numbers that I gave you, it would still be in the order of 60 percent of what a 7-Eleven would generate.

MR. DiBIASI: And let's do one other thing. Here, take my watch and I want you to time one minute. You tell us when it's going to start.

MR. STAIGAR: So if I'm a vehicle, I want to leave, I start here. I've gone through five

seconds already.

(Pause)

MR. STAIGAR: Ten seconds.

MR. DiBIASI: Louder, please.

(Pause)

MR. STAIGAR: 15 seconds.

(Pause)

MR. STAIGAR: 20 seconds.

(Pause)

MR. STAIGAR: 25.

(Pause)

MR. STAIGAR: 30.

(Pause)

MR. STAIGAR: 35.

(Pause)

MR. STAIGAR: 40.

(Pause)

MR. STAIGAR: 45.

(Pause)

MR. STAIGAR: 50.

(Pause)

MR. STAIGAR: 55.

(Pause)

MR. STAIGAR: And there's a minute and now another car would go so --

CHAIRMAN SCRUDATO: What -- excuse me. What are the late patterns at the intersection right now?

MR. STAIGAR: What are the...

CHAIRMAN SCRUDATO: Time-wise, what is the time frame of the light?

MR. STAIGAR: In terms of the average delay?

CHAIRMAN SCRUDATO: Yes.

MS. McGOVERN: No. You mean how long is the red light?

CHAIRMAN SCRUDATO: How long is the red light sequence there?

MR. STAIGAR: I think it's a -- I have to take a look. I think it's a 90-second cycle. So it turns green 40 times over the hour.

CHAIRMAN SCRUDATO: So, actually, that minute -- that car could be there for a minute and a half waiting to access the roadway if there's traffic there.

MR. STAIGAR: Oh, if it backs up across the driveway and someone wanted to make a left-hand turn -- is that what you're saying? -- then you could make a right-hand turn.

CHAIRMAN SCRUDATO: Okay. Ms. Brown?

MS. McGOVERN: I think Mr. Demerjian was asking a question.

CHAIRMAN SCRUDATO: Serge?

MR. DEMERJIAN: Hi.

MR. STAIGAR: Hi.

MR. DEMERJIAN: How have your factors played into the effect of Clifton Commons, so on a Friday night or a Saturday night where it gets really difficult to get down Kingsland Street or go down Passaic Avenue towards Route 3 where it's so congested that people just don't -- personally, me, I just say "You know what? I'm not going this way, I'm going a different way." I mean, that certainly, to me, is a level of service of D-plus when those times arrive, so to me, this exacerbates that a little bit, so maybe you can talk about that a little bit.

MR. STAIGAR: Exacerbated in -- well, I think you might be more inclined to take mass transit if you had a rough time getting to and from work --

MS. McGOVERN: No, we're talking about on the weekends --

MR. STAIGAR: Oh.

MS. McGOVERN: -- the trip generation

--

MR. STAIGAR: Oh, you're talking about the weekends.

MS. McGOVERN: -- on Saturdays and Sundays because that's a terrible area.

MR. STAIGAR: I understand.

MR. DEMERJIAN: Because I can't go to Costco on a Saturday or Sunday, I just can't, I flat out refuse, because trying to get to Route 3 is just impossible --

MR. STAIGAR: Right.

MR. DEMERJIAN: -- and I don't go that way, I go Passaic Avenue or whatever, 21, so this certainly doesn't help that cause, by having more trip generations there, right?

MR. STAIGAR: From a vacant site, you're a hundred percent right --

MR. DEMERJIAN: Right.

MR. STAIGAR: -- but based on what it formerly was, based on what it could be approved for --

MR. DEMERJIAN: That site hasn't been active for 30 years.

MR. STAIGAR: Right. But if you're going to leave it inactive, you're a hundred percent

right. If we add 15 more trips to zero, it's 15 more trips, but you can't look at it that way in reality --

MR. DEMERJIAN: I agree.

MR. STAIGAR: -- you have to look at what could it be built with and those uses could be it could be a gas station again, I presume, if -- you know, there's probably issues of abandonment and all, but it operated as a gas station and people went there that needed gas, that were new trips that came in and it generated 84 trips, had a greater impact. Was busy all weekend as well.

MR. DEMERJIAN: But your fundamental argument is, is this the least impactful development in terms of trip generation?

MR. STAIGAR: It's not the least. It's not the least. If we built single-family homes on here, it would generate less traffic, but I think having more driveways would probably have more of an impact in terms of safety. It is much less than those three scenarios, which I think are relatively good comparisons, the former use of this site, a permitted use of this site, and what was recently approved by this Board, and based on those three scenarios, this has far less trip generation, far

less impacts, less driveways, and would operate more safe and have less impact on the area.

MR. DEMERJIAN: Thank you.

MR. STAIGAR: You're welcome.

MR. MARINO: Mr. Staigar, how many additional trips would it take for us to get into a D if we're at a C now?

MR. STAIGAR: Well, DOT recognizes that a potential significant increase in traffic that would have an impact is a hundred trips. You add another hundred trips to this intersection, most likely, it would have an impact. Now, this site, not every trip that leaves or goes to the site goes through the intersection of Passaic and Kingsland. You can make a right-hand turn and go away from the intersection or you can make a left-hand turn in and not even go through the intersection itself. So whereas a hundred would be -- would generate, we're talking somewhere on the order of let's say nine trips that would go through that intersection from this development.

MR. MARINO: I'll ask you the same question I asked the planner at the last meeting. How are the ITE numbers against the spread? Have you circled back to East Centre Street and looked at

what you predicted the trips would be at peak hour and what's actually there now?

MR. STAIGAR: Not Centre Street, no.

MR. MARINO: Thank you.

CHAIRMAN SCRUDATO: Mr. Staigar, has this new application been submitted to the DOT?

MR. STAIGAR: Not yet. We're waiting for an action by this Board to decide that. But it's lined up to be. I'll put it that way. We've designed the driveway to accommodate everything that the access code requires, so we believe that when if it's going to be a minor permit, it should have a 30-day to a 45-day turnaround.

CHAIRMAN SCRUDATO: So it's not been submitted and you haven't received any response back from them --

MR. STAIGAR: No.

CHAIRMAN SCRUDATO: -- or any comment at all.

MR. STAIGAR: No. But I believe, when I do submit it, I'm absolutely going to make the comparison, because we have a driveway essentially where the 7-Eleven driveway was and I'm sure that DOT will concur that it's going to generate less traffic.

CHAIRMAN SCRUDATO: But this is not the 7-Eleven application, this is not the gas station that has not been in use for at least 30 years --

MR. STAIGAR: Yup.

CHAIRMAN SCRUDATO: -- or partially in use over 30 years.

MR. STAIGAR: Understood completely.

CHAIRMAN SCRUDATO: All right, so we have to remove that from our thinking and we now have the application that's in front of us.

MR. STAIGAR: Well, you're right, you're right, and I stand on my testimony because I compared it to -- when I did my analysis of levels of service and impact, I took it as it exists today. There's not one car that goes in and out of that site and the 15 to 18 trips during that peak hour are net increase to this roadway and I analyzed it in that fashion, but I think, based on the Municipal Land Use Law, the comparison to a former use, a permitted use and a recently approved use in terms of determining what the impact would be, I think is a relative point, and that's what I'm making, I'm just making that comparison. I'm not resting on it. I'm resting on the fact that currently -- and I

agree with you that currently, it is a vacant site not generating any traffic at all and that the net increase will be 15 trips in the morning and 18 trips in the evening, analyzed it that way to see what the impact was and there's no substantial significant impact.

CHAIRMAN SCRUDATO: You haven't compared the traffic flow at this site with all the other possibilities that could be put on it.

MR. STAIGAR: Not --

MS. McGOVERN: For the retail.

CHAIRMAN SCRUDATO: For the retail.

MR. STAIGAR: Oh, the retail.

CHAIRMAN SCRUDATO: Yeah.

MR. STAIGAR: A permitted use, a retail use, would potentially generate more traffic, certainly, than 15 or 18 trips per hour.

MS. McGOVERN: Did you put that in your calculations --

MR. STAIGAR: No.

MS. McGOVERN: -- the retail use.

MR. STAIGAR: No.

MS. McGOVERN: So the numbers you're giving are just for the residential use.

MR. STAIGAR: Yes.

MS. McGOVERN: But --

MR. DEMERJIAN: Why didn't you put the retail?

MR. STAIGAR: Oh, no, no. The 1455 square feet, the commercial use?

MS. McGOVERN: Yeah.

MR. STAIGAR: Oh, no, I included that. Yeah. I thought that my comparison of a permitted retail use --

MS. McGOVERN: But did you break them out in your chart?

MR. STAIGAR: Yeah, that same table that I gave you, Table 4.

MS. McGOVERN: It says "36 apartment units," and I know we've straightened out those numbers, and then it says "personal services use."

MR. STAIGAR: Well, that stayed the same. The commercial use would generate one trip in the morning and one trip in the evening.

MS. McGOVERN: That's because there's only one employee?

MR. STAIGAR: Coming in within one hour and maybe another employee or another two employees come in, and these are during the peak hours, 7 to 9 and 4 to 6. When I use an office

trip-generation rate, those are the numbers that we get.

MS. McGOVERN: I'm sorry, I just don't understand that. You're calculating that based on the use by assuming it's going to be the management company.

MR. STAIGAR: Yes.

MS. McGOVERN: Is that what you're basing it on?

MR. STAIGAR: Correct.

MS. McGOVERN: Do you know how many employees they're going to have?

MR. STAIGAR: I was told two.

MS. McGOVERN: Okay, because the Board --

MR. STAIGAR: That would be assigned -- that would be assigned to this office. The office will have records, it'll be a call center in some fashion. The employees are not coming to here. The employees that service, the carpenter, the plumber, the cleaning person --

MR. DEMERJIAN: But it's retail, though, right? It's retail.

MR. STAIGAR: It's more of an office.

MR. DEMERJIAN: Oh, I mean, that's how

they're going to use it right now, but let's say next week, they can move out and it could be retail. Right?

MR. STAIGAR: I don't know.

MR. DEMERJIAN: That's how it's being filed.

MR. STAIGAR: Could be.

MR. DEMERJIAN: So what does retail generate?

MR. STAIGAR: Retail generates three trips per thousand square feet in the evening peak hour, so 3 times 1.5.

MR. DEMERJIAN: Five trips.

MR. STAIGAR: Four, five trips.

MR. DEMERJIAN: Five trips in the morning and five trips --

MR. STAIGAR: No, not in the morning.

MR. DEMERJIAN: Not in the morning?

MR. STAIGAR: No. Typically, retail is much less, but in the evening, you'll have two in and three out or vice versa, something like that, five trips. But that's not the application, but I understand it could potentially be as much as that, if it was retail, another five trips.

MS. McGOVERN: So it's three trips

based on 1,000 square foot. Since you've got about 1500, you're doing one-and-a-half --

MR. STAIGAR: Yes.

MS. McGOVERN: -- trips.

MR. STAIGAR: Correct, so between four and five.

MS. McGOVERN: And it makes sense that there's less trips in the morning because most stores open at 10 in the morning. Is that what you're basing it on?

MR. STAIGAR: Yeah, the retail would generate -- most retail generates later on, they're not open between 7 and 9, unless it's a bagel shop or something like that.

CHAIRMAN SCRUDATO: A lot of times, they're open past 5:00 in the evening.

MR. STAIGAR: Retail use.

CHAIRMAN SCRUDATO: Which would then have an additional impact upon the nighttime parking for the apartments. If it's a shared parking area and the retail units are working past 5:00, the apartment dwellers would then be coming in after 5:00, generally --

MR. STAIGAR: Yup.

CHAIRMAN SCRUDATO: -- and they would

have no place to park.

MR. STAIGAR: No, well, we have -- we exceed the parking requirement for the commercial use as well as for the residential use. We require 46 parking spaces per your ordinance, we're providing 47, so even if it was peak on peak with the parking, we would still have enough parking.

CHAIRMAN SCRUDATO: Okay. Any further questions?

(No response)

CHAIRMAN SCRUDATO: Thank you, Mr. Staigar.

MR. STAIGAR: You're welcome. The public or...

MS. BROWN: Are we going to talk about loading zone and...

MS. McGOVERN: Is that with you or is that with the engineer?

MR. STAIGAR: Yeah, I can handle the loading zone.

The type of trucks that are going to be a max size are going to be a box truck or a UPS type truck. The ceiling height of this building is 11 feet high. Truck deliveries are going to happen in the middle of the day, they're not going to happen

in the middle of the night when all the residents are home, they're going to happen when the residents are out and about and when the parking demand in the building is that much lower, they'll be able to utilize one of the parking spaces in order to pick up or drop off. You may have move-ins and move-outs, obviously, you will have those, and those are scheduled so that an area, maybe two parking spaces, will be coned off during the day particularly for that moving, but that can be handled by the management company for that. I mean, the 1400 square feet of retail is not really going to have any deliveries. A minimum.

MR. DEMERJIAN: How many parking spaces are there?

MR. STAIGAR: 47.

CHAIRMAN SCRUDATO: Okay, any --

MS. BROWN: I just want to clarify. So the FedEx truck, the UPS truck, they're all going to pull in, underneath the building --

MR. STAIGAR: Yes.

MS. BROWN: -- make their deliveries, get back in their truck and leave.

MR. STAIGAR: Yes.

MS. BROWN: Okay.

CHAIRMAN SCRUDATO: Don't leave.

Is there anyone in the audience who has any questions for Mr. Staigar for approval of this application? Questions.

MS. LANDRY: But is it for approval or...

MS. McGOVERN: Just questions.

CHAIRMAN SCRUDATO: Just questions for approval.

MS. McGOVERN: Just questions.

CHAIRMAN SCRUDATO: All right.

MS. McGOVERN: Just questions regarding his testimony.

CHAIRMAN SCRUDATO: Give us your full name, please, and spell your last name and address.

MS. LANDRY: Pennie Landry, L-A-N-D-R-Y, 135 Lakeside Drive, Nutley.

CHAIRMAN SCRUDATO: Would you raise your right hand.

P E N N I E L A N D R Y, 135 Lakeside Drive, Nutley, New Jersey 07110, is sworn by the Board Chairman.

MS. LANDRY: I have a question, sir.

MR. STAIGAR: Yeah.

MS. LANDRY: From the red light at

Kingsland and Passaic as you're coming -- there you are. Okay, as you're going -- I don't know if that's north, south, east or west. This way. Here's the development right here. You can turn in right here, right? This is where the driveway is?

MR. STAIGAR: On Kingsland.

MS. LANDRY: Yes, sir. Correct?

(Mr. Staigar nods.)

MS. LANDRY: Okay, and here's the red light. How many car lengths from the red light to the entrance to the development?

MR. STAIGAR: Okay. Let me refer to the site plan, it's part of the site plan package. This one here.

The question was what's the --

MS. McGOVERN: Could you identify that document just so we have it?

MR. STAIGAR: Yeah, the document I'm looking at is the plaza ground level layout plan, which is Sheet 5 of 13. The stop bar is shown -- the intersection of Kingsland and Passaic is shown at the bottom left-hand corner. The stop bar for the intersection is also depicted and the driveway is also depicted as well. And the scale is 1 inch equals 10 and we have a 40-foot graphic scale, which

is two car lengths.

MS. LANDRY: You're saying the red light's down here?

MR. STAIGAR: No, the red light is in the center of the intersection, the stop bar of the intersection is designated on the plan.

MS. LANDRY: What's the stop bar?

MR. STAIGAR: The stop bar is a white line and that indicates where you're to stop.

MS. LANDRY: Okay.

MR. STAIGAR: It's a guide.

MS. LANDRY: So from the stop bar.

MR. STAIGAR: Right.

MS. McGOVERN: Ms. Landry, you're going to have to talk into the mike.

MS. LANDRY: Okay. From the stop bar to the entrance on the development is how many feet?

MR. STAIGAR: I've got a 40-foot graphic scale, I'm going to do my best to try and replicate that. We got 40, 80, about a hundred feet.

MS. LANDRY: Okay, and how many cars fit in a hundred-foot space?

MR. STAIGAR: A typical -- an average length of a car on the road today is about 15-1/2

feet so --

MS. LANDRY: And then you have to divide --

MR. STAIGAR: Yeah, so using a 20-foot increment. So you could fit five cars.

MS. LANDRY: Okay, five cars. So the light turns green, we have five cars headed towards the entrance, okay? Three of them are residents who are turning into the development, okay? Because you said there'd be 15 in and out; three of those 15 are now turning into the development, all right? There's a person leaving a space, okay? So the first car is waiting for that car to pull out, but it's a mother with a baby and she has to get the baby into the car seat and so she's taking a little longer, probably a little longer than your 60-second scenario here so there's now a car trying to turn in. Okay? We have two other cars trying to turn in, we have three cars behind them, the light has changed. What impact is there on traffic at this point in time while a resident is trying to get into one of the very limited number of available parking spaces that now you have a very, very busy intersection to begin with because your 60-second scenario, I timed the other day coming to that red

light at 5:00. Do you know how many changes of the light I had to wait before I could get to the light intersection?

MR. STAIGAR: Probably couldn't guess in a million years.

MS. LANDRY: Okay. Well, it was five.

MR. STAIGAR: Okay.

MS. LANDRY: It was a lot longer than 60 seconds. So other than road rage and a lot of horn blowing for the other residents who live there, how do we deal with that type of scenario, one; and is there any possibility of having left turn/right turn signals approved by -- I believe the state owns that highway; is that correct?

MR. DiBIASI: Yes.

MR. STAIGAR: Yes, it's a state highway.

MS. LANDRY: -- approved by the state to eliminate some of the already existing traffic problems without the addition of, I'm not sure what the number is but it's somewhere between 15 and 20 additional trips, and I'm not sure if those trips are to the left or to the right. When you say "those trips," those trips are going to the left leaving the development? Because they can't get to

the right, right?

MR. STAIGAR: Well, they can make a right turn, they can make a left turn.

MS. LANDRY: Coming out of the building, they can make a left or right?

MR. STAIGAR: That's correct.

MS. LANDRY: Oh, wow, so they're going to have to wait for the people to let them in. There are not a lot of kind people at that intersection. So if I want to cross and get out of the development, I can cross over; is that accurate? I thought the last testimony was you could only go to the right. No?

MR. STAIGAR: I don't know what you're talking about. I'm sorry. I lost you.

MS. LANDRY: When you're leaving the development --

MR. STAIGAR: You can make a right or a left in or out. And that's the way the 7-Eleven application --

MS. LANDRY: I don't care about the 7-Eleven.

MR. STAIGAR: Okay.

MS. LANDRY: I don't care about the 7-Eleven.

MR. STAIGAR: That's the way the driveways that are out there now --

MS. LANDRY: So if I'm leaving the development, I have to wait until there's no traffic this way or somebody is nice enough to let me cut in where there's only a four-car length before the light; is that what you're saying?

MR. STAIGAR: You'd have to wait for a gap in traffic if you wanted to make a turn.

MS. LANDRY: A gap in traffic, I have to wait for a gap in traffic. Okay, great. So I probably won't be going there even if there is retail because I probably can't get in and out.

I live on Lakeside. Right now, in traffic hours, to even attempt to get in and out of there is, you know, you just stay home, okay? Because the end of our street in front of Kingsland manor, there used to be ingress and egress but it's blocked off, it's now considered a -- what would that be considered?

MS. McGOVERN: They dead-end it, but Ms. Landry --

MS. LANDRY: A dead-end.

MS. McGOVERN: -- you're kind of getting off point here.

MS. LANDRY: I'm not getting off point. We have a traffic problem right there.

MS. McGOVERN: Okay.

MS. LANDRY: It's a residential area --

MS. McGOVERN: I understand.

MS. LANDRY: -- Lakeside Cleveland --

MS. McGOVERN: No, I understand, I live in the area also.

MS. LANDRY: -- we have a major traffic problem. I'm just asking that an additional traffic impact not be allowed in that area because it impacts many residences right there, unless the state comes in and does a traffic study on their highway -- okay? -- to either put in turn signals or something before anymore traffic is allowed there.

MS. McGOVERN: I want to take what you said and ask it in a question for this expert and --

MS. LANDRY: Okay.

MS. McGOVERN: -- I think the question is, is there anything on the applicant's part, in terms of your application to the DOT, where you can make a request that that intersection be changed or make a recommendation to improve that intersection?

MR. STAIGAR: That's not part of the

-- no, there's no application aspect to that. That would have to come basically from the township as a problem statement that "there's a problem here, DOT; is it something we can look into and do something with?"

MS. McGOVERN: So on the part of the applicant with regard to DOT, you can't make "and by the way, can you do this? It would help traffic." You're not allowed to do that?

MR. STAIGAR: No. I mean, we could write a letter to them but it holds a lot less weight than if your mayor or some other governing body made that request.

MS. McGOVERN: Does that help?

MS. LANDRY: Yeah, it helps. I'd like to make a request to the Planning Board --

MR. STAIGAR: No, the Board of Commissioners.

MS. LANDRY: Well, I'd like to make a request of the Planning Board to make a request to the Board of Commissioners to write a letter --

MS. McGOVERN: You're going to have to go to the Planning Board then.

MS. LANDRY: I'm sorry. I'd like to make a request of the Zoning Board that the Zoning

Board make a request of the Board of Commissioners to go to the DOT and see if we can have some relief at that intersection.

MS. McGOVERN: You know what? After the 1st of the year, the Planning Board, the Board of Commissioners and the Board of Adjustment have a joint meeting and I think that's a good topic, and it'll be in the newspaper, there's a public notice for that, and I think that's a good subject to bring up.

MS. LANDRY: And when is that meeting?

MS. McGOVERN: It varies. It's sometime after the 1st of the year when the Boards get organized. It's usually in March.

MS. LANDRY: Okay, so we'll have to wait till March.

The other question: If, by some, God help us, if this passes, construction time, the time of construction of this development, what will happen is that there will be hundreds of trucks and road blocks and whatever while construction. Are there any studies as to the traffic impact during construction that have been done?

MR. STAIGAR: Well, there'll be no backups or clogging the streets. I mean, DOT

particular will be looking at that aspect in the application aspect. Part of that application will be a traffic control plan for the construction of the driveway area to ensure that traffic flow is maintained on their state highway. Since we have no construction activity proposed on Passaic Avenue, there's not going to be any impact on Passaic Avenue flows.

MS. LANDRY: Okay, trucks will not be going on Passaic Avenue at all? That's what you're saying?

MR. STAIGAR: Well, there might be trucks, right, but the construction activity -- I think your concern was backups off of the site, are not going to happen. But somebody who's making a delivery of material or a worker coming to the site, obviously, yeah, they're going to go by a truck or a car or some other type of vehicle.

MS. LANDRY: Or a crane or -- yeah, whatever.

Okay. Last thing, at the last meeting, there was testimony that there would be no on-site management and today, there was testimony that there would be schedules for tenants moving in and out of the building and I just want to know, how would

those schedules be enforced if there's no on-site management?

MR. STAIGAR: Oh, well, if a tenant is moving out -- I don't know all the details of it but, you know, it could be a lease agreement that you give us 72 hours of advance notice when you're moving out and when you will have a delivery truck there so that the proper mechanism is in place, that they know this truck is coming 8:00 next Tuesday, we need to designate an area for that truck to put itself for whatever, four hours or six hours in a day.

MS. LANDRY: Okay. Thank you.

MR. STAIGAR: You're welcome.

CHAIRMAN SCRUDATO: Anyone else have a question for Mr. Staigar? Please come to the microphone.

MR. MERTZ: Good evening.

MR. STAIGAR: Good evening.

CHAIRMAN SCRUDATO: Good evening. Please --

MR. MERTZ: John Mertz.

MRS. MERTZ: Elizabeth Mertz.

CHAIRMAN SCRUDATO: Speak into the microphone so we can hear you.

MRS. MERTZ: Elizabeth Mertz.

CHAIRMAN SCRUDATO: Please spell your last name and give your address.

MR. MERTZ: Okay. Mertz, M-E-R-T-Z.

CHAIRMAN SCRUDATO: Would you both raise your right hand.

J O H N M E R T Z, 114 Kingsland Street, Nutley, New Jersey 07110, is sworn by the Board Chairman.

E L I Z A B E T H M E R T Z, 114 Kingsland Street, Nutley, New Jersey, is sworn by the Board Chairman.

CHAIRMAN SCRUDATO: Tell us what you have to say.

MR. MERTZ: Mr. Staigar, are you aware that the garage is to be gated?

MR. STAIGAR: That the what is?

MR. MERTZ: That the garage is to be gated.

MR. STAIGAR: Yes, it will be gated, but right now, we're anticipating that it will be open from 7 a.m. to 7 p.m. and after 7 p.m., it will be locked. If, for instance, in the scenario that the Chairman brought up, that there was a retail use that may stay open until 9:00 and may potentially have customers, it will be open till 9:00, but right now, we're anticipating 7 to 7.

MR. MERTZ: Okay. How long -- do you know how long this gate would take to rise, to raise?

MR. STAIGAR: No, I don't but -- I never timed it but it's a matter of seconds, it may be 10 seconds, it may be 15 seconds.

MR. MERTZ: So have you taken into account this delay for traffic for your proposal or, I'm sorry, for your testimony?

MR. STAIGAR: Well, the gate will be opened during peak hours, so when the roadway is at its peak, the gate will be open. We've set the gate back so that if a vehicle -- normally when you pull up to your garage, these vehicles, the residents will have a key fob, a garage-door opener, and as they approach the driveway and most likely, they'll pull it in. If they don't, if they happen to pull in and then they look in their pocketbook to try to find it, there will be a refuge area in front of the building to accommodate that vehicle, get them off the road.

MR. MERTZ: Okay. Thank you very much.

MR. STAIGAR: You're welcome.

CHAIRMAN SCRUDATO: Any other

questions from the audience?

Good evening. Please identify yourself, spell your last name and your address.

MS. DeFEO: It's Marian DeFeo, D-e-F-E-O, 15 Enclosure.

CHAIRMAN SCRUDATO: Please raise your right hand.

M A R I A N D e F E O, 15 Enclosure Street, Nutley, New Jersey 07110, is sworn by the Board Chairman.

CHAIRMAN SCRUDATO: What questions do you have for Mr. Staigar?

MS. DeFEO: I have a question about the parking and I think I talked about this at the last meeting. It just seems to me that we're just assuming that everyone's going to have one car and usually that's not the case. Where is the overflow parking going to be for, like, visitors and, you know, other people that come here? Because it's so congested over there, I don't know where other overflow parking could fit.

MR. STAIGAR: The -- and that's why the parking management accommodates one space for each unit with the understanding that some units may have more than one vehicle, but we meet the

ordinance requirements. We're required to have 41 spaces -- excuse me, 40 spaces for the residential and 5 spaces for the commercial, requiring 46, per your township ordinance. Your township ordinance takes into account what the average amount of cars can be expected as well as visitors and that type of parking as well. We're providing 47. So we not only meet the township requirement for the residents, for the commercial, for the visitors, but we exceed it by one additional. And the uses are compatible with one another that a residential peak period is going to happen overnight. I mean, we're out here, there are a lot of residents here, we're here, it's 9:00, it will be 9:00 soon, we're not going to be home till 10, 11:00, there are going to be other people that are out doing things until 11:00 at night. What we find is that the residential parking lot peaks around 11:30 or 12:00 on a weeknight particularly and then it levels off, everybody's home. At that time, the commercial use is going to be long closed, so whereas the Chairman made a point, you know what, you could have a potential overlap of some parking around that 7:00 witching hour, but it's not until the late-night hours that all the residents will be home. So

there's that shared parking availability of having the two uses that are not going to absolute peak at the same time and that's a buffer factor. We meet the ordinance requirements, that's where I stand, but in order to provide another margin of safety or error, we have that availability of a shared parking arrangement.

MS. DeFEO: Now, even though it might meet the ordinance, that corner is very congested and I think even the little restaurants that are over there, it's going to start impacting on them, it's going to start impacting maybe even as far back as Fernwood. Where are they going to be parking, no residential areas? I mean, it just seems like it's very limited, the parking there.

MR. STAIGAR: On the street, there is limited parking. I don't think you can park within close proximity of this site, but our site, I believe, is going to be self-sufficient.

MS. DeFEO: It looks like it's going to be -- I'm trying to think of the word -- shoehorned in there. It's going to be very, very tight and very, very congested, you know.

MR. STAIGAR: Well, that's why we felt it very important to meet the ordinance requirements

and to exceed them if we could, because we know we don't have that availability of overflow, and again, the two uses that are proposed are compatible with having the shared parking.

MS. DeFEO: Now, when you rent these apartments, are you going to say "You're only going to have one space and" --

MR. STAIGAR: No.

MS. DeFEO: -- "there's no visitor space and" --

MR. STAIGAR: No. There are 27 units and down on the first floor are 32 parking spaces. Up on the second floor, 15 parking spaces. Out of the 27 of the 32 on the lower level, we're proposing that one unit will have one parking space. So that still leaves the 15 above that can be used for the retail use for visitors as well as the five spaces that are not accounted for for a reserved parking. Or if someone -- if an apartment or two apartments or three apartments had two cars, and there inevitably will be some apartments that have two cars, but not each and every one, that's not the most probable situation, but some will.

MS. DeFEO: I just want to give one example though my daughter used to live in Lyndhurst

and it was a six -- it was, you know, six units. Five of the families had two cars. There was only one person that had one car. It just seems, like, it just seems more, you know, in fashion right now to have two cars. I guess we can't project how many kids, how many -- it's very hard, you know.

MR. STAIGAR: We can only go from actual empirical studies, actually going out -- and you probably had a scenario and that scenario is probably out of the ordinary. The typical is less than one and half per unit for apartment units.

MS. DeFEO: Okay.

MR. STAIGAR: It's just that it's the nature of apartment units and what they generate.

MS. DeFEO: All right, thank you.

MR. STAIGAR: You're welcome.

CHAIRMAN SCRUDATO: Anything further from the audience?

MS. LANDRY: I just have one question on that point. You said it's typically 1.1. Do the studies that you've referenced --

MR. STAIGAR: I didn't say 1.1, I said it's less than 1.5. Your ordinance requires 1.5 --

MS. LANDRY: No, no, less than 1.5, according to the empirical study, you said.

MR. STAIGAR: Yes.

MS. LANDRY: Okay, so less than 1.5. Does that study address lease numbers as in higher-end apartments versus lower-end apartments or is that just across the board, all apartments, be they lower-income housing included with high upscale apartments, is that everything thrown into one --

MR. STAIGAR: It's an average. It's an average.

MS. LANDRY: Of all apartments; it doesn't delineate between...

MR. STAIGAR: Your ordinance does the same thing, your township ordinance doesn't differentiate between low income and high income or luxury apartments and non-luxury apartments. It's 1.5, and on the average, we're not saying that the actual experience is less than 1.5, meaning that I agree with your ordinance, your ordinance provides sufficient parking, and that's what I'm providing on this site.

MS. LANDRY: Okay.

MR. STAIGAR: When I say "your ordinance," the township ordinance.

MS. LANDRY: So you're doing your parking spaces based on meeting ordinance, not what

may be best for the lessees.

CHAIRMAN SCRUDATO: I think the question's been answered, ma'am.

MS. LANDRY: Okay. I do have one other question. Your census data that you referenced, what year is that?

MR. STAIGAR: 2010.

MS. LANDRY: 2010. Thank you.

CHAIRMAN SCRUDATO: Okay. I think we can dismiss Mr. Staigar at this point.

MR. STAIGAR: Thank you.

CHAIRMAN SCRUDATO: Thank you, sir.

MR. STAIGAR: Thank you.

MR. DiBIASI: Thank you, Mr. Chairman. Before we call our engineering witness, may we just give our reporter a three- or four-minute break?

CHAIRMAN SCRUDATO: Sure.

MR. DiBIASI: Thank you.

(Recess taken)

MR. DiBIASI: Thank you, Mr. Chairman.

CHAIRMAN SCRUDATO: Okay, let's get this under -- let's get it underway.

Tom, do you have another witness?

MR. DiBIASI: I do, Mr. Chairman. With your permission, may we have our engineer

sworn?

CHAIRMAN SCRUDATO: Please. Would you give us your full name and your address, sir.

MR. PHIL: Sure. Daren Phil, P-H-I-L, 100 Valley Road, Mount Arlington, New Jersey.

CHAIRMAN SCRUDATO: Would you raise your right hand, sir.

D A R R E N P H I L, 100 Valley Road, Mount Arlington, New Jersey, first having been duly sworn, testified as follows:

CHAIRMAN SCRUDATO: Please tell us what you have to say.

DIRECT EXAMINATION BY MR. DiBIASI:

Q. Mr. Phil, we're going to try to shorten your testimony immensely.

CHAIRMAN SCRUDATO: That would be nice.

Q. Yes. So we'll lay a very brief foundation.

You and I have been attending technical review meetings, is that correct, with township officials?

A. Yes, we have.

Q. And you've also been meeting with Mr. Hay; is that correct, sir?

A. Yes.

Q. And you've received reports from Mr. Hay?

A. Yes, I have.

Q. And you've gone over those reports?

A. Yes, I have.

Q. And you can testify to this Board that you will comply with any one of Mr. Hay's requests; is that correct, sir?

A. Absolutely.

Q. Okay.

MR. DiBIASI: Thank you. That ends our testimony. I understand that Mr. Hay will actually go through the specifics.

MS. McGOVERN: Okay. I just want to say that the report that you're looking at that you will confirm that you'll go along with is the October 10, 2014 report by --

MR. PHIL: Yes.

MS. McGOVERN: -- by Pennoni?

MR. PHIL: Yes.

MS. McGOVERN: Okay.

CHAIRMAN SCRUDATO: Thank you, sir.

MR. DiBIASI: That concludes our testimony.

CHAIRMAN SCRUDATO: Okay, let's see if we have something from the audience for Mr. Phil.

Is there anyone in the audience who has a question for Mr. Phil?

(No response)

MR. DiBIASI: Hearing none -- let's see, maybe somebody on the Board has a question for you.

(No response)

CHAIRMAN SCRUDATO: Nope. I guess you did a good job.

MR. PHIL: Wow.

MR. DiBIASI: Okay, thank you, Mr. Phil.

MR. PHIL: Thank you, folks.

MR. DiBIASI: May I re-call Steve Corso for a very brief issue of having the latest rendering marked as evidence?

CHAIRMAN SCRUDATO: Please.

MR. DiBIASI: Thank you. Mr. Corso.

CHAIRMAN SCRUDATO: Mr. Corso, please identify yourself.

MR. CORSO: Steven Corso, 676 Bloomfield Avenue in Bloomfield.

CHAIRMAN SCRUDATO: Would you raise

your right hand.

S T E V E N C O R S O, 676 Bloomfield Avenue, Bloomfield, New Jersey 07003, first having been duly sworn, testified as follows:

CHAIRMAN SCRUDATO: Please tell us what you have to say.

DIRECT EXAMINATION BY MR. DiBIASI:

Q. Mr. Corso, when we were here at the last meeting, we had a rendering which has been marked into evidence and that rendering showed the arborvitaes that were 7 feet to 20 feet tall; is that correct, sir?

A. That's correct.

Q. And we were waiting for the rendering that was going to show the arborvitaes in the background but the foliage that actually exists as we stand here today; is that correct, sir?

A. That's correct.

Q. And is that what this does?

A. That's correct.

Q. Thank you.

MR. DiBIASI: Would you kindly mark this into evidence? And I have one for each member of the Board, Mr. Chairman.

CHAIRMAN SCRUDATO: Thank you.

MS. McGOVERN: And what's this marking?

MS. GOWOREK: 7.

CHAIRMAN SCRUDATO: When we get our hands on it, we may have some questions for Mr. Corso. Thank you.

(The Recording Secretary hands copies of a document to members of the Board.)

MR. DiBIASI: Thank you.

CHAIRMAN SCRUDATO: Any questions from Board members, please?

MR. DEMERJIAN: Does Mr. Corso want to present what he's just handed us?

MR. CORSO: Yes. At the last meeting, we presented this rendering showing the house that neighbors the property to the west and we didn't have the existing trees and shrubbery in front so that we could show the arborvitae that we're planting. Now we're showing all of the existing trees and shrubs that are on the site right now.

MR. DEMERJIAN: So are you constructing right adjacent to the property line?

MR. CORSO: The planter that we have here comes to the property line, then we have 10 feet for the width of the planter that the

arborvitae come up in, and in front of the planter on the neighboring property is what we added in this rendering, that exists now.

MR. DEMERJIAN: Right, but you're building a wall around the property line, correct?

MR. CORSO: It's a planter three foot high, yes.

MR. DEMERJIAN: And it has a three-foot-deep footing, a concrete footing, right?

MR. CORSO: Yes, absolutely.

MR. DEMERJIAN: All right, so you're disturbing all the vegetation along that property line, right? And the root system.

MR. CORSO: Um --

MR. DEMERJIAN: So more than likely, the construction work that you're building here is not going to allow these plantings to survive.

MR. CORSO: No, we don't believe it's going to disturb the plants because the planter doesn't start for about 12 to 14 feet back and the major trees that are along here close to the property line are in front of that.

MR. DEMERJIAN: I disagree with your assessment of your disturbance. I don't think these trees are going to survive.

MR. DiBIASI: That's okay, Mr. Corso. That's his opinion, you gave your testimony. Are you done?

MR. CORSO: Um-hum.

MR. PASTORE: Mr. DiBiasi, do you have an extra one for the audience?

CHAIRMAN SCRUDATO: I have one here.

MR. DiBIASI: I do.

MR. PASTORE: Maybe the young lady here would like one.

CHAIRMAN SCRUDATO: I have two copies.

(Mr. DiBiasi hands copies of document out to member of the public.)

CHAIRMAN SCRUDATO: Mr. Corso, I have a question for you. Does your new planting in any way inhibit the storage or the refuse area?

MR. CORSO: No.

CHAIRMAN SCRUDATO: For a truck going down there and accessing the refuse area?

MR. CORSO: No, that's all on the other side of the wall.

CHAIRMAN SCRUDATO: Okay. Thank you.

Any questions?

(No response)

CHAIRMAN SCRUDATO: I don't believe

so, Tom.

MR. DiBIASI: All right, Mr. Chairman, I have one more witness.

CHAIRMAN SCRUDATO: Wait a minute, let's see if we have anything from the audience.

Is there any questions from the audience for Mr. Corso?

(No response)

CHAIRMAN SCRUDATO: Thank you, sir.

MR. DiBIASI: Skander Meka, please.

CHAIRMAN SCRUDATO: Sir, would you given us your full name and spell your last name for the record and your address.

MR. MEKA: Skander Meka, M-E-K-A.

MS. McGOVERN: Could you spell your first name.

MR. MEKA: Skander, S-K-A-N-D-E-R. M-E-K-A, my last name. 46 Grandview Place, North Caldwell.

CHAIRMAN SCRUDATO: Would you raise your right hand, Mr. Meka.

S K A N D E R M E K A, 46 Grandview Place, North Caldwell, New Jersey 07006, first having been duly sworn, testified as follows:

CHAIRMAN SCRUDATO: Thank you.

DIRECT EXAMINATION BY MR. DiBIASI:

Q. Mr. Meka, what is your profession?

A. My profession is builder/developer.

Q. And how long have you been doing this?

A. For over 28 years.

Q. And how long have you been in Nutley?

A. Oh, well, 12 years?

Q. How about 2006?

A. Probably.

Q. You don't remember?

A. I love it so much, though.

Q. Okay. The Board had a couple of questions. We have represented that if the Board approves this application, that the commercial space is going to be occupied by you; is that correct, sir?

A. Yes, sir.

Q. And what are you going to use that space for?

A. That space will be used for mostly my management company to make sure because all Nutley, the entire of my projects, are only run from one company, which is investment company which does all my managements and they're all over and they control all my properties.

MS. McGOVERN: How many buildings in Nutley do you have?

MR. MEKA: I have one at 642 Franklin Avenue, one at 174 Bloomfield Avenue. East Centre Street, I got three buildings and I'm doing another three. So we are on Franklin Avenue now and we're starting next week on Kingsland and Passaic, if you guys approve it.

(Laugher)

MR. MEKA: I said if you approve it.

Q. You've heard some representations that I gave on your behalf and now we're going to put them under oath.

Is it true, Mr. Meka, that you have expended just under $70,000 to remove tanks and to do additional testing --

CHAIRMAN SCRUDATO: Mr. DiBiasi --

A. Yes, it is.

CHAIRMAN SCRUDATO: Excuse me. Mr. DiBiasi, it really doesn't have any effect on what this Board takes under consideration as the cost of removing those tanks and the amount of remediation work that has been done up to this point. Is that not correct?

MR. DiBIASI: I agree. The reason why

I did that is that I was told when I made the representation that I need to put it under oath.

CHAIRMAN SCRUDATO: Okay, well, I am so tired of listening to the comparison of this to the gas station, to the 7-Eleven, and it's wasting a lot of time here. So please continue.

MR. DiBIASI: Thank you, Mr. Chairman. We'll certainly follow your lead on that.

BY MR. DiBIASI:

Q. All right, Mr. Meka, did you do an audit of the amount of apartments that you own in Nutley and how many are one-bedrooms?

A. Yes, I did.

Q. And what did that audit show, sir?

A. I have 128 apartments that are one-bedroom and I got 61 apartments which are two-bedrooms, total of 189 apartments.

Q. And out of the one-bedroom apartments, how many schoolchildren do you have?

A. I don't have any school children in one-bedroom apartments.

Q. And out of the two-bedroom, for the record, even though this is a one-bedroom application here, how many did you have out of the two-bedrooms?

A. I have 17 schoolkids.

Q. Right. And there actually is a discrepancy between our records and the Board of Ed. The Board of Ed. has 21, we've gone back and said 17. Is that correct, sir?

A. Yes, and everything is through the computer and everything is --

Q. Right. And we're thinking that three people illegally used your addresses.

A. Must be because everything matches with our lists and everything is signed by our management company before they go to register to school.

Q. Okay. Thank you.

MR. DiBIASI: Your witness for questioning, Mr. Chairman.

CHAIRMAN SCRUDATO: Thank you. Thank you very much.

Questions from Board members?

MS. BROWN: Mr. Meka, can you tell me how many employees will be in your management company at this site?

MR. MEKA: Probably one, two or none because my management company got two offices, one is in Caldwell, one -- I mean, actually, three. One

is on East Centre Street and another one will be here.

MS. BROWN: I guess I don't understand, then, why you're calling this a management office. You're just going to have your sign on the door and nobody there?

MR. MEKA: No, I will have people there but sometime they go from -- because they're already connected with the phones and the computers and everything.

MS. BROWN: Well, what will their role be? Are they on the road or are they in the office answering a phone? What do they do?

MR. MEKA: They go there to check; anytime they get a call or if people move in from one apartment to the other, they always witness so that nobody damages anything and everything goes accordingly.

MS. BROWN: Okay.

CHAIRMAN SCRUDATO: I have a question. Mr. Meka, you stated you have one company in all three projects?

MR. MEKA: Yes.

CHAIRMAN SCRUDATO: But isn't this project under a different name?

MR. MEKA: No, they do all my projects. It's Investment Property Group, the name of the company who does all my management.

CHAIRMAN SCRUDATO: But this is a separate company.

MR. MEKA: Yes, they do.

CHAIRMAN SCRUDATO: Okay, so there are two projects under one head and this is under a different one.

MR. MEKA: No, all my buildings are under different LLCs, but the management company is only one, which manages all my LLCs.

CHAIRMAN SCRUDATO: Okay. I have no further questions.

MR. PASTORE: Mr. Meka, the building is absolutely a gorgeous building, all the buildings you have put up, very, very good-looking building.

MR. MEKA: Thank you.

MR. PASTORE: Big problem I have with this one: For that corner, it is much too big. To me, it's just not -- you know, you're just sticking a big white elephant out there. It's just too big for that corner. My opinion.

MR. MEKA: As you know, on this one, believe it or not, I got -- when I bought the -- I

mean when I went to design the property, I was informed there was no environmental issues, but as I went there, invested enough money, I said since I love Nutley so much, I'm going to do whatever I can to make this project -- to clean that corner so I don't have to drive in, don't have to look at that fence. So I designed it as 36 units for only reason, to make it happen, because even the 36 units wouldn't bring me any profit for at least ten years. Now, after I listened to the Board members, to the people, of course, I got my feeling, I don't have to have those units, but just by going -- I'd love to see that property cleaned, going by what the people's concerns were, like, trying to get what the Board wants, I cut complete floor, I went to 27 units. That building, at 27 units, I could show you the figures, it will take me at least 20 years before I get a penny on it, but the love for Nutley, it's more important and then I could spread it to all my buildings and then I can make it happen, but smaller than that, that project doesn't work.

MR. PASTORE: Well, with your love for Nutley, walk down there, picture this three-story building sitting on that corner for your love for Nutley.

MR. DiBIASI: I think what Mr. Pastore is saying is that he doesn't -- you don't think it's going to look good? I think that's what he's saying. Would you like to respond to that?

MR. MEKA: I mean, we try our best, Mr. Pastore, and it's going to look beautiful. That corner, the way we design it and elevate it as the street goes, the streetscape, I think you guys are going to be very happy when it's done and finished. We're going to put enough landscaping, we're going to do everything we can to keep the neighbor on the left happy, we're going to try to preserve all those trees to make sure that no trees get hurt, so -- but other than that, there's not much we can do.

MR. PASTORE: Okay.

CHAIRMAN SCRUDATO: Thank you. Any further questions? George?

MR. DEMERJIAN: Mr. Meka, if a retail tenant came to you and said "I'll give you $25 a square foot for that space," you'll certainly move out your management company, correct?

MR. MEKA: No, never.

MR. DEMERJIAN: Never?

MR. MEKA: No. I'll have my attorney do a -- what do you call -- restriction lease if

anybody else, they can't go, I have to come to the Board before I rent.

MR. DEMERJIAN: You always talk about building quality units and quality services for your tenants; however, you don't provide any amenity space, and to me, it's all about as many units as possible so maybe -- can you explain to me why there are no amenities for the tenants in this building? You know what I mean by "amenities," right? Gym, recreational spaces, lounge spaces, all those things that we do in New York that has actually migrated its way here to New Jersey now. Why is it all about units and why is it not about quality of life?

MR. MEKA: Because in this property, that's how much room we have.

MR. DEMERJIAN: But it's every property you do now, so that's my challenge here, and I also agree with Mr. Pastore that three stories here just does not work for me, it's too out of scale with the neighborhood, so that's my problem with it, and I appreciate the whole financial burden that you have with the remediation, I respect that. I ran my own financial pro forma, I get different numbers than you do, so I'll leave it at that, but that's kind of where I am. Thank you.

MR. MEKA: You're welcome.

CHAIRMAN SCRUDATO: Thank you. Any further Board member, questions?

(No response)

CHAIRMAN SCRUDATO: Hearing none, is there any questions from the audience, please?

(No response)

CHAIRMAN SCRUDATO: I don't hear any, Mr. DiBiasi.

MR. DiBIASI: I don't either, Mr. Chairman.

CHAIRMAN SCRUDATO: Thank you, Mr. Meka, for your testimony.

MR. MEKA: Thank you.

CHAIRMAN SCRUDATO: All right. Do you have anyone further, Mr. DiBiasi?

MR. DiBIASI: Not at this time, Mr. Chairman.

CHAIRMAN SCRUDATO: Okay. Now we'll have Mr. Paul Ricci, please.

MS. McGOVERN: Or do you want Mr. Hay?

CHAIRMAN SCRUDATO: Either one. Who drew short straw?

MS. McGOVERN: He's closer, he's going.

CHAIRMAN SCRUDATO: Please identify yourself and spell your last name for the secretary.

MR. RICCI: For the record, I'm Paul Ricci, R-I-C-C-I.

CHAIRMAN SCRUDATO: Would you raise your right hand.

P A U L R I C C I, Board Planner, first having been duly sworn, testified as follows:

CHAIRMAN SCRUDATO: Please tell us what you have to say with regards to this application.

MR. RICCI: Thank you, Mr. Chairman. We've heard a lot of testimony here, probably seven --

MS. McGOVERN: I just want to -- this is just for the record. Mr. Ricci is the planner hired by the Board to give an independent evaluation of the project.

Okay, go ahead.

MR. RICCI: Thank you, Mr. Chairman. I've heard a lot of testimony, probably, you know, seven hours plus, sometimes I want to jump up and raise my hand and ask questions, so it just puts me personally in a little predicament sometimes to wrap up seven hours, but I'm going to do my best to state

what my position is on the application, both the pros that I see and the potential cons that I see as part of this application.

Hopefully the Board was able to review the planning letters that I prepared. They were dated September 15, 2014 and October 10, 2014. The October letter essentially updated the planning letter based upon revisions made by the applicant when they reduced the building from four stories to three stories.

As this Board is well aware, the applicant has a high burden of proof in this application. They're seeking a D-1 use variance. That D-1 use variance is really limited and I agree with Mr. Steck on this provision, for the R-1 portion of the property, the northerly property where the single-family residence is currently located. The remainder of the property being located in the B-2 zone, a single-family house in the R-1 zone, the applicant needs to show this Board that utilizing the R-1 portion of the property, that this use is particularly well suited for that use, and most of the testimony that I heard -- I'm going to sum it up -- the applicant contended that because this site has been essentially in need of

remediation, it's environmentally contaminated, that that is a special reason that supports essentially the revitalization of this tract. I note that in terms of the remediation and contamination of the site, my understanding, that is limited within the B-2 section of the property, the gas station.

Regarding extending into the R-1 zone, most of the information that I heard was based upon the need to essentially get the driveways further away from the intersection and what they indicated, that benefits associated with that is currently, I believe there are four driveways on the commercial property; if you include the residential property, I believe it's five driveways, that they would consolidate that to one driveway. That's what they're contending is one of the benefits and the need to utilize the R-1 district. Under the -- I know you don't like to talk about the former application, but under the 7-Eleven application, they also extended the driveway into the RF zone, and as part of that application, there wasn't a building in the RF zone. It was associated with the access aisles, driveways and the like.

I do -- just on a side note, I would say I would agree with Mr. Steck that if the

township decides to do a redevelopment study for the former gas station, it's about as close to being a slam dunk as possible that the area could be essentially determined a formal area in need of redevelopment. So in that regard, there are positives clearly associated with the remediation of the tract, the question being "Is the full need for the R-1 property fully justified as part of this application?" You've heard the applicant's testimony in that regard. With that said, just because you're remediating a tract, the applicant also needs to meet the negative criteria. It doesn't mean because you have contamination, that you can build whatever you want; that's why zoning rules and regulations are in place.

One of the things that I wanted to stress, while initially I thought that a D-6 height variance was required as part of this application, because this application is being regulated by your -- potentially, your mixed-use standards, there's not a specific height requirement that regulates the number of stories, so within the B-2 area, you're permitted to have a total of two stories where the applicant is proposing three. If I was before you as an advocate for this development, if I was

testifying for the stricter D-6 standard for a height variance, it's my opinion that the applicant should be focusing on, in terms of the positives associated with it, what is the basis of the height in the zone. Traditionally, you know, the basis for heights in zones are to ensure that there's adequate light, air and open space in that district, and part of the issue is and part of your review of the negative criteria is, is it in any way as part of having an additional story that's located in the B-2 district. Also, the R-1 district allows a height of 30 feet and two half-stories, so it allows an additional half-story and this application has regulated in terms of how the, for lack of a formal word, the deck line of the building is measured to just under 33 feet and, you know, some of the elements of the building go higher, is that something that results, in your opinion, in creating -- eliminating light, air and open space as part of this district?

I think one of the things that didn't really come out as part of the testimony, that from a general planning standpoint, how the consolidation of these lots changes how this application is treated is that -- I'm going to speak to this very

quickly and it's a point, I think, that everyone should understand. Because there's currently three lots and the single-family residential lot to the north, which I'm speaking to C-5 of 13, it's not really shown on here but I'm going to approximate the boundary on the top portion of the site plan (indicating). Because that's an independent lot, it's an interior lot, it has traditional setbacks, a front yard, side yards and a rear yard. When this tract is combined into a one-corner lot, your regulations have two front yards on the street frontages and two side yards and the implications of that results, in any application, whether it was residential or commercial, it results in a dramatic reduction -- I'm stealing somebody's exhibit. It's pretty nice. My kids would love this. My kids would really like this. It results in, not to joke but it results in eliminating a rear yard setback of, you know, 30 feet in a residential area and it's essentially the same whether it's in the B-2 or the R-1, a one side-yard setback of the six feet. And so when the Board members were asking "Well, a residence can be located here, whether it's big or small," that's what's changing this application from a zoning standpoint, if that's clear.

Regarding the Master Plan, I'm not sure if everyone knows but I was the principal drafter of the first draft of the Master Plan and I'm just going to speak to a couple things. Mr. Steck talked about gateways and essentially quoted what I said word for word, and regarding the gateways, I mean, realistically, the intention of that section was really, you know, to encourage vibrant entrances into the township, it really didn't speak specifically to any building, a gateway building and the like. With that said, which I believe is more on point, because this is a property -- because we're not talking about a commercial use in a residential property that's all by itself. It borders a commercial property. And I think the two most important elements of the Master Plan -- I'll just talk about them quickly -- are: It talks about the Township of Nutley being an established suburban community, it is the desire to preserve the established character of neighborhoods in the township. So there's an issue of encroachment into a residential neighborhood and continuing to retain that established character. That's on one end.

There's conflicting points in the Master Plan, I believe, for this general area. One

point that wasn't discussed by Mr. Steck is that, in the economic plan element, it specifically shows that area as an area that should be targeted for economic development. That's because, you know, the site is dilapidated and the like. It doesn't show the exact boundaries but it includes this general area and it goes on to say that this area of the township has experienced periodic building vacancies as well as the deferred maintenance. "Consideration should be given to preparing a specific area plan to encourage revitalization of the area. It might also be appropriate to create a new zone or overlay zone to allow for development other than is currently defined." So it is recognized that there's conflicting points in the Master Plan regarding this area. There's an issue of the changing of the established character, scale, encroachment into a residential area, and there's the other point that it recommended that this area be looked at for a potential new zoning and overlay zoning and the like, and I think that largely stems from the fact as part -- how it all relates together is, is the extension into the R-1 zone to provide that additional driveway really needed for the effective redevelopment of the area, and I think that really

speaks to the particular suitability of that lot or whether it is suitable or not and I think that's something the Board should evaluate, because if it's this application or another application, I think you want to encourage, clearly, the gas station to be revitalized and redeveloped and, I mean, that's why you're the Board, you make the difficult decisions.

And also in that regard, I just have to say, this application is a higher level of intensity than was anticipated in the Master Plan and that's something that I believe the Board's going to have to evaluate as part of the negative criteria as well.

If there are any questions, I'll do my best to answer them, but that's my best at a short, concise synopsis that I believe are the critical issues and what's really driving this application from a development perspective and really from the Master Plan's perspective when this area was looked at.

CHAIRMAN SCRUDATO: Thank you.

Questions from Board members, please.

MS. BROWN: Mr. Ricci, do you agree that this project would be less of an impact if the R-1 zone was taken out of it and the height was cut

to two stories?

MR. RICCI: Would it have less of an impact on the surrounding residential neighborhood --

MS. BROWN: Yes.

MR. RICCI: -- if it was a two-story building than a three-story building?

MS. BROWN: Yes.

MR. RICCI: I think, by definition, clearly, a smaller building would have -- would relate better, just because it's smaller, to a residential use, yes.

MS. BROWN: Thank you.

CHAIRMAN SCRUDATO: Anyone else?

MR. GRAZIANO: I don't know if I heard you right. Did you say that the gas station should be revitalized instead of this property being put in there?

MR. RICCI: I'm saying that a property that has laid idle and vacant and is contaminated for as long as it has, I believe that it's an eyesore in the community and something that, whether it's this application or another application, that the township should work to encourage that property to be redeveloped in some capacity, yes.

MR. GRAZIANO: Okay. Thank you.

CHAIRMAN SCRUDATO: Okay. Nothing further from Board members.

Is there anyone in the audience who has a question for Mr. Ricci?

(No response)

CHAIRMAN SCRUDATO: Hearing none, I'd like to thank you for your testimony, sir.

MR. RICCI: Thank you.

CHAIRMAN SCRUDATO: And you made your report part of the record.

MS. McGOVERN: Yes --

MR. RICCI: Yes.

MS. McGOVERN: -- we have two reports.

CHAIRMAN SCRUDATO: Good. Thank you.

MS. McGOVERN: Todd Hay.

CHAIRMAN SCRUDATO: Mr. Todd Hay. Please identify yourself for the record and your address.

MR. HAY: Todd M. Hay, H-A-Y, 105 Fieldcrest Avenue, Suite 502, Edison, New Jersey.

CHAIRMAN SCRUDATO: Please raise your right hand.

T O D D M. H A Y, 105 Fieldcrest Avenue, Suite 502, Edison, New Jersey 08817, first having been

duly sworn, testified as follows:

MS. McGOVERN: Just for purposes of the record, Mr. Hay, you are the engineer that the Board used and consulted with and you prepared two reports, if you could just put that on the record.

MR. HAY: Yes.

CHAIRMAN SCRUDATO: And they've been submitted into the record.

MR. HAY: Yes.

CHAIRMAN SCRUDATO: Please tell us what you have to say.

MR. HAY: Sure. Mr. Chairman, as the Board all knows and probably the public knows, I submitted two reports, one of which was answered prior to my October 10, 2014 report, which was my second review that I conducted of the applicant's site plans as well as the applicant's information relative to the architectural plans. In that letter and what Mr. DiBiasi had described earlier were certain items that were in compliance and certain items not in compliance. The items in compliance, I think are pretty self-explanatory. The items that are not in compliance, and I start on sheet Page 2 under Sheet 5, the first item being with respect to handicapped ramp. We're asking for two ramps.

There is a diagonal ramp there now at the adjacent corner adjacent to the application. We're asking for a revision to that. The applicant is fully aware of the ADA and Proline guideline so that Proline guidelines will be accepted. We've asked them to make a revision as such.

The other item was Item 2 under Sheet 5, which was relative to the buffering, the buffering being to adjacent property on Passaic Avenue. I'd like them to be able to address that in terms of what type of screen wall would be associated with landscaping.

The last item on Page 2 is under Item 5 and that was again the garbage truck turning template. I have not seen any evidence of whether or not a garbage truck can access the area, the garbage area, as located on the site in the northwest corner. Now, that would be fully enclosed within the superstructure of the building but we do need to have some evidence to show that a garbage truck or garbage hauler, whether it be private or public, can access the site.

On Page 3, I had some other comments as well. One of the comments that happened to be under Item 11 on Page 3 of sheet 5, which is, again, just

superficial information relative to building columns not being an obstruction. I know I've had issues with the applicant in the past, I've asked him to make sure that he accentuates certain obstructions that we'll have during construction so that they don't inhibit parking and that they don't affect the site plan approval that this Board may render this evening.

Under Sheet 6, I've gone ahead and said that under Items 1 and Item No. 3, there needs to be some satisfaction relevant to compact parking and with respect to appropriate signage. Now, again, there was no indication under Item 1 relative to how it would be identified for compact space with respect to signage, so signage does need to be denoted. And Item No. 3, the same thing with one-way and do-not-enter signage. Now, the construction official does have latitude; however, when it comes to compliance at the end of the application or the end of the build if this application were to be accepted, I would have to go ahead and say "If I have any signage problems, I would like the applicant to be able to go ahead and put that signage in." I think it's prudent that the applicant put them on the plans now and I

recommended that within my letter.

Also on Page 3 under Sheet 7 with the site grading and utility, I did ask for water and sewage calculations. I would like to get those so that I can better understand whether or not the applicant has to go to the DEP for application. That was based on the earlier revisions and was also not stated in their engineering calculations, so I'm asking them as part of a condition to supply that.

On Page 4, there are a number of items on Sheet 7, all relevant to the grading, all relevant to also the stormwater management. One of the things of stormwater management which may or may not have been addressed is the fact that there is going to be a parking level, it's very similar to one of the applications and one of the constructions that this applicant put forth in application at 52 East Centre Street and what that is is that there happens to be a basement level area; basically, an underground parking. That needs to be serviced with drainage, so there will be actually a pump system that will take the drainage from the lower level of the building and then bring it up to the first first floor. So we're asking for details on that and that happens to be in Item No. 5 and Item No. 6.

With respect to Sheet 8 with the landscaping and the lighting, we did say it was satisfied. Again, I ask the Board to make sure that there is a condition relative to the landscaper and our tree forester in town to make sure that the species that are being planted are appropriate for screening and they match up with what the applicant has testified, both from a planning standpoint and from a site plan standpoint.

Relevant to items on Sheet 10 and 11, I had no comments. One of the things I'll mention on Sheet 10, if, let's say, this applicant were to clean the property up before doing any type of work in terms of construction, the applicant does have to go through the Building Department process, not really for soil moving but more to inform them about soil erosion. That would be handled by Mr. Intindola. That is actually separate if that happens to be a separate issue and there's a cleanup prior to the actual construction. So I want the Board to recognize that that might be separate from this. That would be handled by the construction department in consultation with me as the township engineer.

With respect to Items -- Sheet 11, we

had no comments.

With Sheet 12 and 13, again, details that happen to be with manholes, details that happen to be with the parking, actual signage, and then, of course, with the stormwater, we want to make sure that we understand the stormwater's going to work, that it's meeting the stormwater calculations, the details should be shown on the plans prior -- obviously, prior to a building permit being sought.

And the same thing goes on Page 5, the stormwater management statement. We've asked them to do a revision relevant to the outlet control structure. We saw some inconsistencies. The applicant did not discuss permits but, in a nutshell, I did mention the water extension permit and the treatment works approval, if applicable. If not, the applicant would then go to the local authority, which would be our water/sewer operator and then go to the regional authorities and then seek application.

Soil erosion and sediment control permit, they would have to seek and it would have to be brought to the Construction Department.

Public Works. Our real improvement that we would be looking for in terms of the

township, my understanding is, is to make sure that they take out the necessary permit approvals for the curb lines and also for the sidewalk abutting Passaic Avenue. Again, the applicant's said that Kingsland Avenue, which happens to be a DOT right-of-way, they would have to seek permits from the DOT and that permit would fall under a minor access permit, which this applicant has now elaborated and answered my question on Page 5 of Item No. 5.

Page 6, I just want to remind the Board relevant to development fees, we will be asking the applicant to provide clarification with that. And finally, I'd like to see a point-by-point response to my letter, which the applicant has done, the applicant's engineer has been working with me on that. We'd like to make sure that we further understand that so that all the plans and all the details are taken care of.

Mr. Chairman, with respect to traffic, I did listen to the applicant tonight. I will tell you basically in summary the things that I've heard. I do do traffic reviews, I do traffic design, I've actually worked with Mr. Staigar both reviewing his applications on the private side as well as on the public side, and relevant to what he's expressed, he

basically did what I had asked him to do and that is show a comparative analysis, a comparative analysis going a little above and beyond what we had discussed but it gave me assurances that, from a trip generation, which is the first thing any applicant looks at, the amount of trip generation has basically been reduced from the prior application approval by 75 to 80 percent. That's significant in itself. However, one of the things that was not addressed which I'm concerned about but I don't think it's a concern based on my calculations that I just did here rough, I do not believe that this applicant will have trip generations that will be higher if you add in the retail use because, again, the applicant expressed that the calculations were based on a mixed use with office and residential. I think that there needs to be something that has to be shown in the traffic report that shows the worst-case scenario, which I noticed some of the Board members had asked for and I think that that is applicable and it should be shown. I do not believe it's going to change the status of them going after a minor access permit, I don't believe it's going to change the status of any reduction from the prior application as well as what

is on site today, though vacant.

The other thing that I would like to mention to the Board as well as the level of service, which is very important. The level of service on the roadway right now is level of service C. That was testified before with the 7-Eleven application. One of the things that has come up which the Board needs to be aware of is the fact that on the township side, the township is aware that the complaints at the intersection, the signal, with the traffic that are going westbound on Kingsland Avenue, has increased and the Commons and the concerns have increased and I have talked to my commissioner, Mr. Scarpelli, about that on the township side and we will be writing a letter to DOT at some point. I can't say exactly when, but I will let you know that the request will be made of DOT to ask them to look into signal timing because I believe the timing is an issue and the timing is an issue during, as I did discuss with the attorney earlier, during the weekend hours and that has to be looked at. I think we had discussed it before, we somewhat put the onus in on the applicant but there was a reason why we did that with 7-Eleven, the reason being is, is that that a major access permit

with Planning actually requires that. They're actually asking for a minor access permit, which is a little bit different, so we believe that the township does need to go ahead and take ownership of that and I will be seeing what I can do to go ahead and alleviate concerns during the weekend peak hours.

With respect to permits again, that was discussed. We're looking at a minor access permit. I'd like to make sure that that's made a condition so that if we do have the minor access permit, we do understand what the applications are. Sometimes there are conditions and those conditions could affect this application in terms of the way it's approved, so that needs to be known.

I do understand that, from listening to Mr. Staigar, that he did describe the fact that mass transit will be provided. I think that was pretty self-explanatory. There is a bus stop that's there, it's also not going to be affected.

I can also testify to the Board that with respect to parking, there's compact spaces that are going to be provided. There have been several applications now before the Planning Board where they've accepted and they have allowed a variance

with respect to compact spaces. I have talked to Mr. Intindola and Mr. Barry about whether or not there will be revisions to the code at some point, they'll be getting a request from the Planning Board, the Commissioners to do so, but it is the norm and I did ask the applicant for a study of other municipalities relevant to whether or not Bloomfield, Maplewood, certain other towns of this size have an ordinance that are relative to putting a share aside for compact spaces. I can tell the Board that based on the analysis that this applicant's traffic engineer has done, that has been the case, and I think it's perfectly acceptable to introduce compact parking as long as accessibility is made whole within the parking garage itself.

And I believe that is about it, Mr. Chairman, with respect to my comments. I know that there was one other issue during construction about maintenance, protection of traffic. Again, that's going to be an issue if it happens to pertain to the environmental with the amount of fill and soil that's going to be taken out because that has to be remediated first. That would be handled with a consultation with the Building Department. I don't think it's part of this application but it will

become part of the application when the environmentals are taken care of, when the garage is built, and we may want to make sure that we make a condition advising the Board and, of course, advising the township as to what the implications will be when the foundations are built for the garage. I could tell you, I witnessed 52 East Centre Street, there was a lot of fill removed, it was a very large garage that was built. It's going to be the same magnitude, so it is very important to understand how the traffic is going to be affected at that intersection.

And that's all of my comments, Mr. Chairman.

CHAIRMAN SCRUDATO: Thank you very much, Mr. Hay.

Let's see. Any questions from Board members, please?

(No response)

MS. McGOVERN: Can I just -- I have a couple things I just want to straighten out. You mentioned the applicant has to consult with the commissioners for development fees; is that correct?

MR. HAY: I believe that the applicant has to work with both the Board attorney as well as

with the township attorneys as to any fees, that correct, that is in the ordinance.

MS. McGOVERN: I'm going to make a suggestion. I don't know what the Board or the applicant feels like, I'm just going to suggest that the Board of Commissioners, we make a suggestion that the Board of Education be consulted for any suggestion that they might make with respect to an impact fee, because there was testimony that the applicant is interested in assisting the Board of Education in any way that he can.

I also note, we have a report from the forester. Is there a condition that we can accept what the forester's recommended? Because I know that you also mentioned something about the forester test in your testimony just now, Mr. Hay.

MR. HAY: Ms. McGovern, when was that letter written?

MS. McGOVERN: October 2, and what he recommends is the demolition plan, No. 4 should show the removal -- I think that's what he writes, "I still recommend planting two shrub trees on Passaic Avenue and one additional shrub on the corner of Kingsland Street." So I don't know if that's working with your office or --

MR. HAY: I believe that that's working independently but the reason for my question is because that would be germane to the latest revised plan so that would be correct.

MS. McGOVERN: Okay.

MR. HAY: I had the prior letter, that's the reason why I asked.

MS. McGOVERN: Okay.

CHAIRMAN SCRUDATO: What was the decision on the removal of those trees?

MS. McGOVERN: Is there an acceptance of the forester's report as a condition?

MR. DiBIASI: Mr. Meka has always gone along with the forester's condition. It's clear, though, to the applicant and to me that we have more work to do, we would not be asking for a vote tonight, as we've discussed, we have more work to do on the planning side and on the engineering side and we will diligently pursue that.

I also can give counsel an update on the impact portion of this at the appropriate time.

MS. McGOVERN: Okay.

MR. DiBIASI: But we will accept the forester's report.

MS. McGOVERN: Okay.

CHAIRMAN SCRUDATO: While we have Mr. Hay there, let's let the --

MR. FUSARO: I have a question.

CHAIRMAN SCRUDATO: Yes, Mr. Fusaro, question.

MR. FUSARO: You said you were going to recommend to the Board of Commissioners that a traffic study be done by the state only if this application goes forward or either way?

MR. HAY: No, it will be done no matter what.

MR. FUSARO: Okay.

MR. HAY: It will be done no matter what. I've spoken to my commissioner about it. The comments did come beforehand. My concern was whether or not that this applicant should be responsible. I was asked my opinion. My opinion was "Well, if they don't have to do a major access with Planning, I don't know how you can force an applicant to do, you know, some type of study of that magnitude of a minor access." A major access is a completely different story.

MR. FUSARO: So this application really has no bearing on the traffic problems that are there already.

MR. HAY: No, this happens to be a signal -- it's my estimation, from speaking to Mr. Staigar and speaking to two other experts that have looked at this signal, that basically it's a timing issue.

MR. FUSARO: Thank you.

CHAIRMAN SCRUDATO: What was your comment on the garbage trucks?

MR. HAY: Mr. Chairman, on the garbage trucks, essentially what we've seen in the past with this applicant as well as other applicants with multifamily or mixed-use applications is that there is a garbage area that's designated. There needs to be -- show some indication that a garbage truck can get from the right of way to that area, make a K-turn within that area and then exit the site without impacting traffic operations.

CHAIRMAN SCRUDATO: It's my understanding that there wouldn't be the standard garbage truck and I do believe that the applicant is suggesting a lesser truck.

Is that right, Tom?

MR. DiBIASI: That is correct, Mr. Chairman.

MR. HAY: The applicant just indicated

to me that it would be a smaller vehicle. As long as the vehicle is designated and there's a statement on the plan that suggests that it's going to be a private hauler, I think that needs to be shown as well, the township would be interested in that.

CHAIRMAN SCRUDATO: Okay. You're going to run that by the township for approval, Tom?

MR. DiBIASI: Yes, we do. What we've done in Mr. Meka's other buildings, we do use private sanitation, we have multiple pickups per week, but we have a little pickup truck that actually goes up and down in the back and it's worked out well on Bloomfield Avenue and on East Centre Street so far.

CHAIRMAN SCRUDATO: You're making a suggestion for signage for parking so that the general public who will be coming in for the stores could possibly run into totally unavailable parking spaces on the first floor. There should be signage to the second floor for them.

MR. HAY: It's two issues, yes, Mr. Chairman. It happens to be signs that are regulatory and then, number two, it happens to be warning signs, and the warning signs are really to encompass, you know, whether there's compact spaces,

if there happens to be parking spaces that they've designated. None of that has been designated on the plans and that really should be indicated so that there's a better understanding, not just for the Board but also for someone like me who has to do a compliance review if this application is approved and it's constructed.

CHAIRMAN SCRUDATO: And it's also for the benefit of the applicant, too, so they don't have a total Chinese drill taking place down there.

MR. HAY: That is correct, Mr. Chairman.

CHAIRMAN SCRUDATO: My last question is: Basement pumps?

MR. HAY: Yes. Mr. Chairman, what happens is that every underground structure that has any type of, let's say, open air or let's say it has areas where water can migrate in, water can accumulate in an area in a basement and what happens because of the grade differential, you have to be able to go ahead and remove the stormwater or remove any type of, let's say, accumulation of water that gets into the basement. In order to do that in such a large structure, you have to have a pump system, a sump system, correct, that can then discharge water

back into the drainage system that would basically attenuate the stormwater for the appropriate design storms.

CHAIRMAN SCRUDATO: Yes, I'm familiar with the possibility -- that possibility exists in some Hackensack buildings that I've been in. There's water laying in them year round because they have no method for getting rid of it, no sump, no pumps of any kind.

MR. HAY: And that is correct. In looking at the site now, the site is mostly gravel and broken-up asphalt. You're now introducing a site that has -- is completely impervious, impervious both for the building, impervious both for the parking, impervious for all types of improvements. That stormwater has to have somewhere to go, it basically will end up at the bottom of the basement, and in order to accumulate it, they do have to meet the stormwater ordinance, not just the township but also the DEP.

CHAIRMAN SCRUDATO: Okay. I think that's all my questions. Anything else?

(No response)

CHAIRMAN SCRUDATO: Are there questions from anyone in the audience for Mr. Hay?

(No response)

CHAIRMAN SCRUDATO: Sorry, Todd, we don't have any. Thank you for your testimony.

MR. HAY: Thank you.

CHAIRMAN SCRUDATO: Mr. DiBiasi.

MR. DiBIASI: Mr. Chairman, I think that was productive. We certainly will get the transcript and follow what we -- some of the suggestions from the township planner where he said we needed more detail and more information. Our planner is not here this evening. We'll let him read the transcript. Mr. Steck is in Westwood. He thought he was going to make it here this evening and that hasn't happened. And certainly, Mr. Hay's comments, we will address also.

As a point of order, if the Chair could give this courtesy. There are Nutley residents that are here this evening that wanted to address the Board and thought that the case was going to be completed this evening. They've been sitting here since 7:30 and I wonder if the Board would entertain some of their comments at this time.

CHAIRMAN SCRUDATO: Yes, I've asked for questions from anyone in the audience or comments, either.

MR. DiBIASI: Maybe at this time, I know that there were some --

CHAIRMAN SCRUDATO: Please come to the microphone if you have some comments.

MS. GOODSON: My name is Sally Goodson and I live at 203 Whitford Avenue, about five blocks away.

CHAIRMAN SCRUDATO: Could you spell your last name, Ms. Goodson?

MS. GOODSON: G-O-O-D-S-O-N.

CHAIRMAN SCRUDATO: Would you raise your right hand.

S A L L Y G O O D S O N, 203 Whitford Avenue, Nutley, New Jersey 07110, is sworn by the Board Chairman.

CHAIRMAN SCRUDATO: Please tell us what you have to say.

MS. GOODSON: Well, I go in and out of Nutley through that traffic light and I will tell you that probably -- it's got to be at least 30 years of being totally embarrassed by the site of that piece of property. That was a blight when it was opened and certainly now it is also. When I see being recommended an apartment building with just one bedroom, it makes sense economically, it makes

sense how it's going to look.

Now, I have a picture here that I'm looking at and, certainly, seeing something like this at the end of that street is going to be much better than what is there now, and I guess I would wonder, because I haven't heard, what you think would go there that wouldn't be better than something like this. I heard someone talk about the fact that they can't get through that light to go to Costco. I think that's not the problem at that light, the problem is down by Route 3 when all of those lights change down there. If I want to get out of Nutley or bring someone in, I try to bring them another way so they do not see that eyesore. I do hope that you will consider supporting this project. Thank you.

CHAIRMAN SCRUDATO: Don't go away, please.

First of all, we can't do much with Route 3 traffic down there, down that far.

MS. GOODSON: I heard someone mention --

CHAIRMAN SCRUDATO: Our party was out at about Passaic and Kingsland into Nutley there.

MS. GOODSON: I go in and out that way

all the time.

CHAIRMAN SCRUDATO: Not as many years as I have.

MS. GOODSON: Pardon?

CHAIRMAN SCRUDATO: Not as many years as I have.

MS. GOODSON: I've been here since '65, I go there all the time.

CHAIRMAN SCRUDATO: I went to grammar school in '55.

MS. GOODSON: Okay. What's the game?

CHAIRMAN SCRUDATO: Well, to let you know I've got as much experience with regards to going through that corner there as you might have.

MS. GOODSON: Well, then you have seen that blight every time you pass and it's embarrassing.

CHAIRMAN SCRUDATO: If you'll let me finish, I'd be happy to explain to you. Will you let me finish?

With regards to the condition of the gas station that existed there, there is an ordinance on the township ordinance that requires the owner to clean up the property and it was not done for years. That's not my fault. I think

that's about as much as I can state on that.

MS. GOODSON: That property hasn't been used for probably about six years. It was an ugly piece of property for the last at least 30.

CHAIRMAN SCRUDATO: You'll get no argument from me on that.

MS. GOODSON: All right, thank you.

CHAIRMAN SCRUDATO: Don't go away.

Any questions from Board members, please?

(No response)

CHAIRMAN SCRUDATO: Thank you very much, Mrs. Goodson.

MS. GOODSON: Thank you.

CHAIRMAN SCRUDATO: Anyone else? Please come to the mic. Give me your name.

MR. VIOLA: Brian Viola, V-I-O-L-A.

CHAIRMAN SCRUDATO: Will you spell your last name, please?

MR. VIOLA: V-I-O-L-A.

CHAIRMAN SCRUDATO: And your address, I'm sorry.

MR. VIOLA: 46 Oakley Terrace in Nutley.

CHAIRMAN SCRUDATO: Please raise your

right hand.

B R I A N V I O L A, 46 Oakley Terrace, Nutley, New Jersey 07110, is sworn by the Board Chairman.

MR. VIOLA: I'd just like to explain the impact that Mr. Meka's business has had on our business, a lot businesses here in town. The amount of business that he has given us through the projects in Nutley and his other projects have allowed us to escape the ravages of the recession that we all have experienced. Specifically, we've been able to hire four or five new people in the last year, one of them being from Nutley. We've also been able to update our machinery, buy new machinery, and the business that he has given us is really supporting a local business in town. Basically, that's what I'd like to say.

In reference to the project that he's doing now, he's shown by his projects in town that he builds a very beautiful building. I think one of the biggest parts, though, is that what he's willing to do is remediate the property, which seems to be a problem for anybody who's going to develop that property.

Thank you.

CHAIRMAN SCRUDATO: Thank you. Don't

go away.

Questions, please, from...

(No response)

CHAIRMAN SCRUDATO: Thank you for your comments.

Anyone else, please? Please come to the mic. Give us your name, your full name, your address and spell your name, please.

MS. POWERS: My name is Frances Powers, I live at 95 Elm Place, Nutley. It's P, as in Peter, O-W-E-R-S.

CHAIRMAN SCRUDATO: Raise your right hand.

F R A N C E S P O W E R S, 95 Elm Place, Nutley, New Jersey 07110, is sworn is by Board Chairman.

CHAIRMAN SCRUDATO: And pull that microphone to you, please, ma'am. Thank you.

MS. POWERS: I'm going to read my notes because I took time to prepare them.

First of all, I'm going to ask you to keep the number one in your mind for a few minutes and I'll get back to that.

We've sat here and listened to the builder's attorney speak about the poor widow and we've even seen him make a theatrical delivery to

the Board of the tax receipt for the taxes that the builder paid on her behalf. We've listened to the builder's experts, the Board has too, and for them, it's a repeat performance. I've done some research on the property that this builder developed on Bloomfield Avenue. They had the same experts presenting to the Board there with the same opinions, no increase in traffic, no problem with adding children to the school district, and that was Charlie Kucinski then too. The builder then said too, just like he did here, that he needed a density to make a profit. The decision there was five to two in favor. I hope, in hindsight, some of you now realize just how outsized that building was for the site.

During my research, I learned that this builder intends to develop the south side of the Roche property once the remediation is completed. He is already the largest landlord in Nutley. He is a landlord, he does not live here. He may say he plans to live here but he hasn't up to this time. He owns almost 200 rental units.

Here's where the number one comes in: I own one parcel of land, my home. A home is so much different than a rental property. He's been

asking for compromise. He wants me to compromise and let him have the variances for R-1 for the height of the building and for the density. What compromise does he make? A little less profit. The huge compromise that he's asking from me means that the quiet residential neighborhood that my home was in when my husband and I bought it will be even less tranquil and even less safe. For instance, when I asked about security, the expert said there would be cameras in the underground parking lot. Cameras are an after-the-fact security aid for law enforcement, not a deterrent. When I walk by there, underground parking does not allow me to see who might be lurking there and I would not feel safe passing it. Sure, the person might be caught on film but it would be too late to save a passerby from injury or worse. I need to be aware of my surroundings and I can't be when I can't see who might be down there ready to pounce. I am not willing to compromise my feeling of security.

I am also not willing to compromise the value of my property any further. Nutley is a special place. It is residential with owner-occupied homes, at least it was when my husband and I moved here from the City more than 40 years ago.

Homeowners have a vested interest in the well being of the town whereas renters are more transient and not vested. Real estate websites show the ratio of owner-occupied to rental units in a neighborhood. It's a clear indication of the stability of the housing values.

My heart goes out to the young couple who bought the property next door to this. They deserve the peace and tranquility that Nutley provided to us when we came here. It was a good place for us and it should be a good place for them. They should be happy, they should not have to come here and fight this proposal. Nutley used to take care of its own and it still should. He's asking too much of us. This builder seems to have only one set of plans: Brick and big. Apartments over stores. This is a city scenario and so is the underground parking, straight out of New York City. The bigger, the better for him, but not for us.

I am tired, too, of the either/or argument that is continuously being restated. Either we agree to his request for variances or we're stuck with the mess on the corner. How about this idea: Given that the builder has his sights on developing the Roche property, why not just put his

offices on this corner of Kingsland and Passaic, perhaps in a parklike setting surrounded by greenery. Mind you, it should fit within the current land use requirements, maybe he would like to even build his home here since he likes Nutley so much. It would be quite the regal gateway to what is fast becoming Mekaville. You can actually stand on the portion of the Roche property he wants to develop and see the corner in question. It could be nice.

I ask that this Board deny the request for variances. We need to keep Nutley the special place that it is.

(Applause by members of the public)

CHAIRMAN SCRUDATO: Miss, don't go away.

MS. POWERS: Thank you.

CHAIRMAN SCRUDATO: Questions from Board members, please.

(No response)

CHAIRMAN SCRUDATO: I'd like to make just one short comment to you. Mr. Meka is a property owner and a taxpayer in the Town of Nutley, just as you and I are.

MS. POWERS: Um-hum.

CHAIRMAN SCRUDATO: He has a right to file legally for a variance.

MS. POWERS: Right.

CHAIRMAN SCRUDATO: You have a right to object to it.

MS. POWERS: Right.

CHAIRMAN SCRUDATO: And we have to evaluate it on its merit --

MS. POWERS: Right.

CHAIRMAN SCRUDATO: -- not on our feelings.

MS. POWERS: Well, you have to look at it wholistically, too.

CHAIRMAN SCRUDATO: I didn't hear you.

MS. POWERS: You have to look at everything wholistically. You have to look at the town as a whole, and we're part of it. And I'm not the only person who feels this way.

CHAIRMAN SCRUDATO: Okay. Thank you very much for your comments.

Mr. DiBiasi?

MR. DiBIASI: Well, I appreciate her comments because we all have a right and that's what makes free speech so wonderful, but there are two glaring misrepresentations. Mr. Meka did not put a

bid in on the Hoffman-LaRoche property. He is not a player on the Hoffman-LaRoche property. There have been rumors about that. They're not true, period.

Number --

CHAIRMAN SCRUDATO: That has no effect on this property.

MR. DiBIASI: Her comments, for the record --

CHAIRMAN SCRUDATO: Okay.

MR. DiBIASI: -- because they're on the record, she's under oath. That's not accurate.

And two, her characterization of what happened on the Bloomfield Avenue property is absolutely incorrect. If we were to go back to the transcript, there was never a question of density for property, period, and it was in front of the Planning Board and it was a 9-0 vote. So those are two blaring inequities -- strike that -- misrepresentations of Mr. Meka.

Thirdly, to make something personal and talk about Mr. Meka as being here for brick and big for his pocketbook, that's not part of land use. We respect her right for her comments but we're not making it personal to her, she should not make it personal to my client.

Thank you.

CHAIRMAN SCRUDATO: Thank you.

Anyone else in the audience that wants to be heard? Please come to the microphone.

Were you just heard?

MS. POWERS: I would just like to say that my information was gathered from the Nutley Sun and --

CHAIRMAN SCRUDATO: I'm sorry?

MS. POWERS: My information was gathered from what was reported in the Nutley Sun, either in the newspaper or on its website. Now, if the newspaper's wrong, that's where I got the information from.

And it is personal, it's my home, it's my hometown, it's my place where I live, so it is a very personal situation.

CHAIRMAN SCRUDATO: Okay. Excuse me, don't go away. The Board members up here are all professionals, excluding myself. They are going to evaluate it on their conscience with their past experience, with their professional experience, and they will vote accordingly, for the benefit of Nutley, not because of anyone's opinion or lack of opinion. So please give the preference to the Board

in that area.

MS. POWERS: I do.

CHAIRMAN SCRUDATO: Thank you.

Anyone else? Excuse me one second, please.

You're not calling for a vote tonight, Tom?

MS. McGOVERN: Do you have more witnesses?

MR. DiBIASI: No, Mr. Chairman, we have more work to do pursuant to the --

CHAIRMAN SCRUDATO: That's what I thought you said.

MR. DiBIASI: -- with the experts.

CHAIRMAN SCRUDATO: Please tell us your name, your address.

MS. ROSINO: Elizabeth Rosino, R-O-S-I-N-O, 111 Kingsland Street in Nutley.

CHAIRMAN SCRUDATO: Would you raise your right hand.

E L I Z A B E T H R O S I N O, 111 Kingsland Street, Nutley, New Jersey 07110, is sworn by the Board Chairman.

CHAIRMAN SCRUDATO: Please tell us what you have to say.

MS. ROSINO: Granted, the corner needs help, granted.

CHAIRMAN SCRUDATO: Okay.

MS. ROSINO: I've been born and raised there, I never left, but it's too big. At the point where we are now, with no traffic and a gas station, I can't get in and out of my driveway, never mind adding 40 more cars or even five more cars. When I come home from work, I have to come Passaic to Fernwood to Elm to Kingsland because I cannot come down Kingsland. I can't make a left into my driveway. That's all I'm saying, is there is definitely a traffic issue, it needs to be downsized to an extent that we can all live with.

CHAIRMAN SCRUDATO: Thank you. Don't go away, stay there, please.

MS. ROSINO: Um-hum.

CHAIRMAN SCRUDATO: Any questions of the witness?

(No response)

CHAIRMAN SCRUDATO: Thank you for your comments, Miss.

Anyone else in the audience?

(No response)

CHAIRMAN SCRUDATO: Well, I guess --

there's no one else? Oh.

MR. MERTZ: Sorry.

CHAIRMAN SCRUDATO: Your name again, please.

MR. MERTZ: John Mertz.

CHAIRMAN SCRUDATO: And your --

MR. MERTZ: Elizabeth Mertz.

MS. McGOVERN: They've already been sworn in.

CHAIRMAN SCRUDATO: They've already been sworn in. Please tell us what you have to say.

MRS. MERTZ: We don't want to belabor certain things but we do want to sum up a little bit some of the concerns that we have had, big ones being, despite the efforts that were made in the design, we lose privacy, which was the big reason we moved here, and we feel very much that our property puts us on display to a large number of windows and we're concerned about this is not -- the building proposed is not in character with the neighborhood, which is, again, it's part of why we moved to Nutley, is the character of the town itself. We're concerned about the trees, our landscaping, we're concerned about the garbage being in the corner of the building so close to us, you know, the barriers

between our properties, fumes. I am personally pretty heartsick over the concern about losing light. Our backyard -- I love my trees but I'm losing -- I would be losing what light I get from that side.

It's -- I do most of my errands during the workday and it's already a little nerve-racking to pull out onto the street because of the bend, the curve in the road, cars come around that so fast. Our neighbor got --

MR. MERTZ: Rear-ended.

MRS. MERTZ: -- rear-ended pretty bad, you know, and a PSE&G truck came up on the lawn trying to turn into her driveway and she lives right next to our neighbor who just spoke.

There is, you know, I don't know, there's so many reasons, concerns, we just wish there's some way of putting in something that's attractive and we do understand there's been efforts to make this attractive and, yes, something needs to be done with the corner, but we wish it could be something that could be more in keeping with --

MR. MERTZ: The existing neighborhood's character.

MRS. MERTZ: -- the existing

neighborhood and the height of the existing buildings and something that would -- I don't know. I don't know what to say anymore. Thank you.

CHAIRMAN SCRUDATO: Don't go away, please. Are there questions of the witness, please?

MR. GRAZIANO: I have a question.

I really feel bad -- I feel your concerns. I know that's a big building going next to yours, but would you rather have that abandoned house, abandoned gas station? You're going to wind up getting homeless people in there, you're going to wind up getting animals.

MR. MERTZ: The house wasn't abandoned until the redevelopment started, until they were essentially kicked out by the landlord. There were people there, there was a family there. There were our neighbors there.

MR. GRAZIANO: I looked in the MLS and I saw it listed for sale today.

MR. MERTZ: It is.

MR. GRAZIANO: Okay, so, you know...

MR. MERTZ: Well, it's for sale by the owner of those three properties. There had been someone -- she was renting that property to a family, had been for years, and they saw the writing

on the wall and they moved out. In fact, I think they got evicted. I'm not certain. They just up and were not there any longer one day. So, I mean, yes, the current situation of those three properties, it's deplorable, but I would ask -- people have said something needs to be done there and this building looks beautiful. Would you want it to be your neighbor?

MR. GRAZIANO: Are you asking me personally?

MR. MERTZ: Anybody.

MR. GRAZIANO: I would rather live next to that apartment building than those abandoned buildings and a gas station --

MR. MERTZ: Okay.

MR. GRAZIANO: -- because sooner or later, if you don't get rid of that contamination, it's going to go on your property.

MR. MERTZ: That's fair.

MR. GRAZIANO: It's going to travel there.

MR. MERTZ: I understand. Something needs to be done with the property, I just don't -- we just put in a garden on that side of the property, of our property, and when a three-story

building goes in there, I'm not going to be able to grow anything there anymore.

MR. GRAZIANO: Thank you.

MR. MERTZ: Okay.

CHAIRMAN SCRUDATO: Don't go away.

Any further questions?

(No response)

CHAIRMAN SCRUDATO: None. Thank you very much.

MR. MERTZ: Okay, thank you.

CHAIRMAN SCRUDATO: Please come to the microphone. Give us your full name, your address, and spell your last name, please.

MR. ALGIERI: Bill Algieri, 11 Cathedral Avenue, Nutley. A-L-G-I-E-R-I.

CHAIRMAN SCRUDATO: Would you raise your right hand, sir.

B I L L A L G I E R I, 11 Cathedral Avenue, Nutley, New Jersey 07110, is sworn by the Board Chairman.

CHAIRMAN SCRUDATO: Please tell us what you have to say.

MR. ALGIERI: Well, I live on Cathedral Avenue, Cathedral, Kingsland is right there. I've been dealing with traffic, oh, for 25

years there. It's just a way of life, I mean, we can't stop progress because we're worried about traffic. It's only my opinion. I feel that if the Board doesn't approve this application and Mr. Meka walks, we're going to be looking at that eyesore there for many, many years to come. And that's really all I have to say.

CHAIRMAN SCRUDATO: Thank you for your comments. Don't go away. Let's see what -- questions from the Board members?

(No response)

MR. ALGIERI: Could I add one more thing?

CHAIRMAN SCRUDATO: Please.

MR. ALGIERI: I own four properties in Nutley besides my home, two of them are on East Centre Street. What Mr. Meka did with his apartment buildings on East Centre Street, to me, I feel enhanced my property values on my two properties on East Centre Street. I own two on Washington Avenue. I know there's talk about redevelopment in that entire area. I am a Planning Board member also. So, again, if this came before me on the Planning Board, I personally would approve it. So I would --

CHAIRMAN SCRUDATO: You would have to

disqualify yourself.

MR. ALGIERI: I would have to disqualify myself? Okay. All right. Well, maybe I would. But again, that's all I have to say. I really think, though, if the Board doesn't approve it and Mr. Meka walks, we're going to be looking at that for maybe another 20, 30 years.

CHAIRMAN SCRUDATO: Mr. Algieri, don't go away.

MR. ALGIERI: And if people don't think that way, then maybe we should all take a collection -- okay? -- clean the property up ourselves.

CHAIRMAN SCRUDATO: They do, it's known as our taxes.

MR. ALGIERI: That's right. That's right. I know Mr. Meka's a huge taxpayer in town. I pay a few pasos myself in town. Okay? So that being said, I expect something to be put up there that's presentable and tasteful and I think this project is just that.

CHAIRMAN SCRUDATO: Okay, maybe when you go back to your next meeting of the Planning Board, you'll look up -- you'll research and see if there is not an ordinance on the owner having to

maintain his property in a decent manner.

MR. ALGIERI: Good point. Good point.

CHAIRMAN SCRUDATO: It would certainly help yourself and the citizens of the area.

MR. ALGIERI: Well, let me say this to you, Mr. Chairman. 11 Cathedral Avenue, take a ride, take a look at my house, take a look at my neighbor's house. Their grass was that high (indicating). I called the town on numerous occasions to have them come out and I heard someone come out from the town and say "That doesn't look that bad." Okay? For $19,000 on 11 Cathedral Avenue, that looks pretty bad. Okay?

CHAIRMAN SCRUDATO: Thank you very much for your --

MR. ALGIERI: You're quite welcome.

CHAIRMAN SCRUDATO: -- for your comments. Anything else?

(No response)

CHAIRMAN SCRUDATO: Thank you very much.

MR. ALGIERI: Okay, thank you.

CHAIRMAN SCRUDATO: All right. I think we're getting down near the end.

I'd like to compliment the audience for

its patience and its cooperation with us up here. The decisions we have to make are not easy and we are taking all of the testimony into consideration. There will be another joint meeting -- another meeting -- when will it be?

MS. McGOVERN: Well, we have a meeting on Monday night, November 17.

CHAIRMAN SCRUDATO: All right, let's do it then. Let's reschedule this, at the request of the applicant, for Monday night.

Does that meet your approval, Mr. DiBiasi?

MR. DiBIASI: Yes, Mr. Chairman. We'll try to get as much done as we can in the next week.

MS. McGOVERN: All right, you want to come back with additional witnesses to testify about what areas?

MR. DiBIASI: We're going to have to bring back a planner and, obviously, now Mr. Phil is going to have to respond to Mr. Hay's comments and our planner will have to respond to Mr. Ricci's comments, because both of them made good points and pointed to us to say that it's now our turn to respond.

MS. McGOVERN: Okay, but I thought that you agreed to do all of the things that Mr. Pennoni said -- in the Pennoni report that Mr. Hay said, so I don't understand why Mr. Phil has to testify anymore.

MR. DiBIASI: There were some things in there that we have to prove calculations, so that we're willing to do it but we still have to prove that the system will work and we're willing to undertake that.

CHAIRMAN SCRUDATO: Well, next Monday night, we have a regular meeting, we only have two things on, so does the Board want to carry this until Monday, November 17's meeting to finish and then take a vote? Then you'd just be concluding that? Is that what's going to be requested?

MR. DiBIASI: If I can get everything ready within a week, that may be --

MR. DaCOSTA LOBO: I'd leave it to the applicant and Mr. Hay and Mr. Ricci, but that seems a pretty condensed schedule for them to do what they need to do, for them to review it, for them to be prepared to discuss it with us at another meeting.

CHAIRMAN SCRUDATO: Let's see, what --

MR. DiBIASI: I think counsel is

making a point on that that, realistically, I don't think we're going to be able to turn it around in a week.

MS. McGOVERN: All right. Okay, then I gotta look up the December meeting. I have it here.

CHAIRMAN SCRUDATO: Our next regularly scheduled meeting will be in December.

MS. McGOVERN: Monday, November 17 is our actual -- our next regular meeting. Then we have our final meeting of the year, our final regular meeting is December 15. I don't believe we have anything scheduled for that night because we only have two on for next week, so does the Board want to carry this to December 15 to tie up loose ends and do a vote?

MR. DiBIASI: That would be --

CHAIRMAN SCRUDATO: Will you be ready by then, Mr. DiBiasi?

MR. DiBIASI: Yes, that would be acceptable for us and --

CHAIRMAN SCRUDATO: All right.

MR. DiBIASI: -- I think that's a realistic schedule.

CHAIRMAN SCRUDATO: May I have a

motion to continue this meeting until our regularly scheduled meeting in December, which is the --

MS. McGOVERN: December 15, 2014.

CHAIRMAN SCRUDATO: December 15, 2014.

MR. DiBIASI: And we're going to tell Ms. Quick right now to keep that --

CHAIRMAN SCRUDATO: At the request of the applicant.

MR. DiBIASI: Yes, and we'll waive all applicable time frames.

MS. McGOVERN: I'm going to check that date. I need my calendar. I want to make sure.

MR. DiBIASI: And we'll also have Ms. Quick, who's nodding "yes," that she will be here, since she's the official stenographer.

(Off-the-record discussion)

MS. McGOVERN: I just want to make sure that December 15 is a Monday night.

MR. DaCOSTA LOBO: Yes.

MS. McGOVERN: It is?

MR. DaCOSTA LOBO: Yeah.

MS. McGOVERN: Okay.

CHAIRMAN SCRUDATO: May I have a motion?

BOARD MEMBER: So moved.

BOARD MEMBER: Second.

CHAIRMAN SCRUDATO: All in favor?

BOARD MEMBERS: Aye.

CHAIRMAN SCRUDATO: Opposed?

(No response)

(Hearing adjourned at 10:16 p.m.)

C E R T I F I C A T E

I, MICHELE QUICK, a Certified Court Reporter, Registered Merit Reporter, Certified Realtime Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S. 41:2-1, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

MICHELE QUICK, CCR, RMR, CRR
CCR License No. XIO1731

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$19,000 [1] - 139:12
$25 [1] - 83:19
$70,000 [2] - 7:24, 77:15

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'55 [1] - 119:10
'65 [1] - 119:8

0

07003 [1] - 71:3
07006 [2] - 1:24, 75:23
07110 [10] - 1:9, 2:7, 47:21, 59:8, 61:9, 117:14, 121:3, 122:15, 130:22, 136:19
07663 [1] - 2:4
07930 [1] - 10:12
08817 [1] - 96:25

1

1 [6] - 4:13, 22:7, 48:24, 99:10, 99:13
1,000 [1] - 44:1
1.1 [2] - 65:20, 65:22
1.5 [7] - 43:12, 65:23, 65:24, 66:2, 66:16, 66:17
10 [12] - 1:8, 3:3, 44:9, 48:25, 60:6, 62:15, 69:18, 72:24, 87:6, 97:15, 101:10, 101:12
100 [3] - 8:22, 68:5, 68:8
100,000 [2] - 7:4, 7:7
105 [2] - 96:20, 96:24
108 [2] - 1:6, 2:3
10:16 [1] - 144:6
11 [10] - 25:3, 25:4, 45:23, 98:25, 101:10, 101:25, 136:14, 136:18, 139:6, 139:12
111 [2] - 130:18, 130:21
114 [2] - 59:7, 59:9
117 [1] - 3:13
11:00 [2] - 62:15, 62:17
11:30 [1] - 62:18
12 [4] - 23:25, 73:20, 76:7, 102:2
121 [1] - 3:14
122 [1] - 3:14
128 [1] - 78:15
12:00 [1] - 62:18
13 [4] - 4:9, 48:20, 91:4, 102:2
130 [1] - 3:15
132 [2] - 3:15, 3:16
135 [2] - 47:17, 47:20
136 [1] - 3:16
14 [1] - 73:20
1400 [1] - 46:11
1450 [1] - 16:22
1455 [1] - 41:4
15 [29] - 17:2, 21:6, 21:13, 22:8, 22:9, 25:4, 28:1, 30:11, 30:23, 32:6, 36:1, 39:17, 40:3, 40:17, 50:10, 51:21, 60:6, 61:5, 61:8, 64:13, 64:16, 87:6, 142:12, 142:15, 143:3, 143:4, 143:18
15-1/2 [1] - 49:25
1500 [1] - 44:2
16 [1] - 21:6
160 [1] - 15:7
17 [4] - 79:1, 79:5, 140:7, 142:9
17's [1] - 141:14
174 [1] - 77:4
18 [15] - 17:2, 17:8, 19:3, 19:24, 20:2, 20:4, 20:6, 21:3, 21:5, 23:6, 25:5, 30:23, 39:17, 40:3, 40:17
18-foot [1] - 23:14
189 [1] - 78:17
19 [2] - 19:24, 23:6
1st [2] - 56:5, 56:13

2

2 [6] - 22:7, 22:8, 97:23, 98:7, 98:13, 109:19
20 [9] - 14:8, 14:11, 22:9, 32:8, 51:21, 71:11, 82:17, 138:7
20-foot [1] - 50:4
200 [4] - 15:4, 15:9, 123:22
2006 [1] - 76:8
2010 [2] - 67:7, 67:8
2014 [9] - 1:8, 6:21, 6:24, 69:18, 87:6, 97:15, 143:3, 143:4
203 [2] - 117:6, 117:13
21 [2] - 35:13, 79:4
22 [1] - 6:23
245 [2] - 10:6, 10:11
25 [2] - 32:10, 136:25
250 [1] - 2:3
27 [11] - 12:11, 16:21, 21:18, 22:6, 24:10, 30:22, 64:11, 64:14, 82:15, 82:16
28 [3] - 6:21, 7:1, 76:5

3

3 [10] - 34:10, 35:9, 43:12, 98:23, 98:25, 99:10, 99:16, 100:2, 118:11, 118:20
30 [12] - 14:8, 14:11, 17:7, 32:12, 35:23, 39:3, 39:7, 90:12, 91:19, 117:20, 120:4, 138:7
30-day [1] - 38:13
300,000 [1] - 7:6
32 [3] - 21:18, 64:12, 64:14
33 [1] - 90:16
345 [1] - 2:7
35 [1] - 32:14
36 [6] - 24:4, 24:5, 24:9, 41:14, 82:7, 82:8

4

4 [6] - 24:21, 25:3, 41:13, 41:25, 100:10, 109:20
40 [6] - 32:16, 33:16, 49:20, 62:2, 124:25, 131:8
40-foot [2] - 48:25, 49:18
41 [1] - 62:1
41:2-1 [1] - 145:10
45 [1] - 32:18
45-day [1] - 38:13
46 [7] - 19:23, 45:5, 62:3, 75:18, 75:22, 120:23, 121:2
47 [8] - 1:23, 3:9, 19:23, 22:4, 22:15, 45:6, 46:16, 62:7
48 [1] - 3:11

5

5 [10] - 48:20, 62:3, 97:24, 98:8, 98:13, 98:25, 100:25, 102:10, 103:9
50 [4] - 22:19, 22:20, 23:12, 32:20
500,000 [2] - 7:3, 7:6
502 [2] - 96:21, 96:25
502-15 [1] - 1:4
502-16&17 [1] - 1:6
52 [2] - 100:17, 108:7
55 [1] - 32:22
59 [2] - 3:10, 3:10
5:00 [4] - 44:16, 44:21, 44:23, 51:1

6

6 [7] - 22:14, 22:21, 24:21, 41:25, 99:9, 100:25, 103:10
60 [3] - 31:8, 31:20, 51:9
60-second [2] - 50:16, 50:24
61 [2] - 3:11, 78:16
618-0872 [1] - 1:24
642 [1] - 77:3
649 [1] - 1:4
676 [2] - 70:23, 71:2
68 [1] - 3:4
69,850 [1] - 7:25

7

7 [13] - 24:21, 25:5, 41:25, 44:13, 59:20, 59:25, 71:11, 72:3, 100:2, 100:11
7-Eleven [31] - 11:2, 11:21, 11:22, 12:10, 15:2, 15:13, 16:4, 16:9, 17:7, 17:14, 17:17, 17:23, 18:5, 18:11, 18:13, 19:16, 19:20, 20:15, 31:16, 31:20, 38:23, 39:2, 52:19, 52:22, 52:25, 78:5, 88:19, 105:6, 105:24
70,000 [2] - 7:25, 8:4
700-page [2] - 6:12, 6:19
71 [1] - 3:4
72 [1] - 58:6
75 [2] - 3:5, 104:8
7:00 [1] - 62:23
7:30 [2] - 1:10, 116:21

8

8 [1] - 101:1
80 [5] - 2:3, 15:7, 49:20, 104:8
82 [1] - 30:21
84 [7] - 13:9, 13:12, 13:13, 17:5, 30:14, 30:21, 36:11
86 [1] - 3:7
8:00 [1] - 58:9

9

9 [4] - 19:24, 21:13, 41:25, 44:13
9-0 [1] - 128:17
90-second [1] - 33:15
95 [2] - 122:10, 122:14
96 [1] - 3:7
973 [1] - 1:24
98 [1] - 1:5
99 [1] - 20:20
9:00 [4] - 59:23, 59:24, 62:14

A

A-L-G-I-E-R-I [1] - 136:15
a.m [2] - 25:2, 59:20
abandoned [4] - 134:9, 134:10, 134:13, 135:13
abandonment [1] - 36:8
ability [1] - 145:13
able [11] - 11:14, 16:15, 46:4, 87:4, 98:10, 99:23, 114:21, 121:11, 121:13, 136:1, 142:2
absolute [1] - 63:2
absolutely [10] - 9:13, 11:9, 11:24, 27:7, 28:3, 38:21, 69:10, 73:10, 81:16, 128:14
abutting [1] - 103:3
accentuates [1] - 99:4
accept [3] - 10:16, 109:13, 110:23
acceptable [3] - 10:20, 107:13, 142:21
acceptance [1] -

110:11
accepted [3] - 98:5, 99:21, 106:25
access [17] - 16:17, 19:10, 19:13, 33:19, 38:11, 88:23, 98:16, 98:22, 103:7, 104:23, 105:25, 106:2, 106:9, 106:11, 111:18, 111:21
accessibility [1] - 107:14
accessing [1] - 74:19
accommodate [3] - 16:16, 38:10, 60:20
accommodated [1] - 22:16
accommodates [1] - 61:23
accomplish [1] - 6:19
according [1] - 65:25
accordingly [2] - 80:18, 129:23
account [3] - 20:12, 60:8, 62:5
accounted [1] - 64:18
accumulate [2] - 114:19, 115:18
accumulation [1] - 114:22
accurate [5] - 6:2, 11:22, 52:11, 128:11, 145:11
Act [2] - 4:6, 4:10
action [1] - 38:8
active [1] - 35:23
activity [2] - 57:6, 57:13
actual [8] - 25:25, 27:22, 28:18, 65:8, 66:17, 101:20, 102:4, 142:10
ADA [1] - 98:4
add [5] - 12:14, 36:1, 37:11, 104:14, 137:12
added [1] - 73:2
adding [2] - 123:9, 131:8
addition [3] - 13:5, 14:8, 51:20
additional [13] - 8:2, 19:3, 37:6, 44:19, 51:22, 54:11, 62:10, 77:16, 90:10, 90:13, 93:24, 109:23, 140:17
address [18] - 10:5, 10:8, 25:24, 47:15, 59:3, 61:3, 66:3, 68:3, 75:13, 96:19, 98:10, 116:15, 116:18, 120:21, 122:8, 130:16, 136:12
addressed [2] - 100:14, 104:10
addresses [1] - 79:9
adequate [2] - 19:10, 90:6
adequately [1] - 21:11
adjacent [4] - 72:22, 98:1, 98:2, 98:9
adjourned [1] - 144:6
Adjustment [2] - 4:2, 56:6
ADJUSTMENT [1] - 1:1
administer [1] - 145:9
advance [1] - 58:6
advertised [1] - 4:11
advising [2] - 108:4, 108:5
advocate [1] - 89:25
affect [2] - 99:6, 106:14
affected [2] - 106:20, 108:11
after-the-fact [1] - 124:11
ago [4] - 12:5, 12:6, 13:14, 124:25
agree [12] - 8:21, 8:25, 11:6, 36:4, 40:1, 66:18, 77:25, 84:18, 87:14, 88:25, 94:23, 125:22
agreed [2] - 11:5, 141:2
agreement [1] - 58:5
ahead [7] - 86:19, 99:9, 99:21, 99:23, 106:4, 106:5, 114:21
aid [1] - 124:11
air [3] - 90:7, 90:19, 114:17
aisles [1] - 88:23
Algieri [2] - 136:14, 138:8
ALGIERI [12] - 3:16, 136:14, 136:23, 137:12, 137:15, 138:2, 138:10, 138:16, 139:2, 139:5, 139:16, 139:22
Allegiance [1] - 4:4
alleviate [1] - 106:6
allotting [1] - 22:21
allow [5] - 19:14, 20:7, 73:17, 93:13, 124:13
allowed [5] - 54:12, 54:16, 55:9, 106:25, 121:9
allows [4] - 14:5, 20:2, 90:11, 90:12
almost [2] - 13:19, 123:22
alone [1] - 19:18
ALSO [1] - 1:17
amenities [2] - 84:8, 84:9
amenity [1] - 84:5
amount [11] - 7:4, 13:23, 13:24, 15:3, 31:16, 62:5, 77:22, 78:11, 104:6, 107:21, 121:6
analysis [5] - 30:12, 39:14, 104:2, 107:11
analyze [3] - 18:21, 19:1, 19:2
analyzed [3] - 18:20, 39:18, 40:4
analyzes [1] - 28:15
AND [1] - 1:5
and.. [1] - 45:16
ANDRIOLA [1] - 3:11
animals [1] - 134:12
answer [1] - 94:15
answered [3] - 67:3, 97:14, 103:9
answering [1] - 80:13
anticipated [1] - 94:10
anticipating [2] - 59:19, 59:25
anytime [1] - 80:15
apartment [13] - 16:21, 24:9, 26:14, 30:24, 41:14, 44:22, 64:19, 65:11, 65:14, 80:16, 117:24, 135:13, 137:17
apartments [22] - 26:13, 28:20, 31:1, 44:20, 64:6, 64:19, 64:20, 64:21, 66:4, 66:5, 66:7, 66:10, 66:15, 78:11, 78:15, 78:16, 78:17, 78:18, 78:21, 125:16
applause [1] - 126:14
applicable [4] - 19:25, 102:16, 104:21, 143:10
Applicant [1] - 2:8
applicant [43] - 8:10, 55:7, 87:8, 87:12, 87:20, 87:24, 89:11, 89:24, 90:2, 98:3, 99:3, 99:23, 99:25, 100:6, 100:17, 101:7, 101:12, 101:14, 102:14, 102:17, 103:8, 103:12, 103:14, 103:20, 104:6, 104:13, 104:15, 105:23, 107:6, 108:22, 108:24, 109:5, 109:10, 110:15, 111:16, 111:20, 112:11, 112:20, 112:25, 114:9, 140:10, 141:20, 143:8
applicant's [8] - 22:24, 54:21, 89:9, 97:16, 97:17, 103:4, 103:15, 107:12
APPLICANT'S [1] - 3:2
applicants [1] - 112:11
application [68] - 7:2, 11:2, 11:7, 11:8, 11:20, 11:23, 12:11, 12:16, 13:4, 15:13, 17:23, 18:3, 18:11, 18:17, 19:11, 19:15, 19:17, 19:20, 24:5, 24:9, 38:6, 39:2, 39:11, 43:22, 47:4, 52:20, 54:22, 55:1, 57:2, 76:14, 78:24, 86:11, 87:1, 87:3, 87:13, 88:19, 88:21, 89:9, 89:18, 89:19, 90:13, 90:24, 91:13, 91:24, 94:4, 94:9, 94:17, 95:23, 98:2, 99:19, 99:20, 100:6, 100:17, 102:20, 104:8, 104:25, 105:7, 106:14, 107:25, 108:1, 111:9, 111:23, 114:6, 137:4
applications [5] - 100:16, 103:24, 106:12, 106:24, 112:12
appreciate [2] - 84:21, 127:22
approach [1] - 60:16
appropriate [5] - 93:12, 99:12, 101:6, 110:21, 115:2
approval [8] - 47:3, 47:5, 47:9, 99:7, 102:16, 104:8, 113:7, 140:11
approvals [1] - 103:2
approve [6] - 22:25, 77:8, 77:10, 137:4, 137:24, 138:5
approved [11] - 15:1, 17:12, 17:13, 17:14, 35:20, 36:24, 39:21, 51:13, 51:18, 106:15, 114:6
approves [1] - 76:14
approximate [1] - 91:5
arborvitae [2] - 72:18, 73:1
arborvitaes [2] - 71:11, 71:15
architect [1] - 19:9
architectural [1] - 97:18
area [43] - 15:10, 27:6, 28:24, 29:1, 29:19, 35:5, 37:2, 44:20, 46:8, 54:5, 54:9, 54:12, 57:4, 58:10, 60:19, 74:16, 74:19, 89:3, 89:4, 89:22, 91:19, 92:25, 93:3, 93:7, 93:10, 93:11, 93:16, 93:18, 93:19, 93:25, 94:19, 98:16, 98:17, 100:19, 112:13, 112:15, 112:16, 114:19, 130:1, 137:22, 139:4
areas [4] - 28:13, 63:14, 114:18, 140:18
argument [3] - 36:14, 120:6, 125:21
Arlington [2] - 68:5, 68:9
arrangement [1] - 63:7
arrive [1] - 34:15
arrives [1] - 29:15
aside [1] - 107:10
aspect [5] - 17:15, 19:6, 55:1, 57:1, 57:2
asphalt [1] - 115:12
assessment [1] - 73:24
assign [2] - 21:18, 22:6
assigned [3] - 23:10, 42:16, 42:17
assisting [1] - 109:10
associated [5] -

88:11, 88:22, 89:6, 90:4, 98:12
assuming [3] - 21:3, 42:5, 61:16
assurances [1] - 104:4
attempt [1] - 53:15
attending [1] - 68:20
attention [1] - 15:21
attenuate [1] - 115:2
attorney [5] - 5:16, 83:24, 105:20, 108:25, 122:24
attorneys [1] - 109:1
attractive [2] - 133:19, 133:20
audience [15] - 47:2, 61:1, 65:18, 70:2, 70:3, 74:6, 75:5, 75:7, 85:6, 96:4, 115:25, 116:24, 129:3, 131:23, 139:25
audit [2] - 78:11, 78:14
authorities [1] - 102:19
authority [1] - 102:18
authorized [1] - 145:9
avail [1] - 14:16
availability [11] - 20:19, 21:5, 21:22, 22:3, 22:12, 28:11, 29:2, 29:3, 63:1, 63:6, 64:2
available [3] - 4:16, 27:18, 50:22
AVENUE [1] - 1:4
Avenue [36] - 2:3, 16:11, 17:17, 17:18, 17:22, 18:1, 18:3, 25:25, 34:10, 35:13, 57:6, 57:7, 57:10, 70:24, 71:2, 77:4, 77:6, 96:21, 96:24, 98:10, 103:4, 103:5, 105:12, 109:23, 113:13, 117:6, 117:13, 123:6, 128:13, 136:15, 136:18, 136:24, 137:20, 139:6, 139:13
average [6] - 33:7, 49:24, 62:5, 66:8, 66:9, 66:16
aware [6] - 59:13, 87:11, 98:4, 105:8, 105:9, 124:17
aye [1] - 144:3

B

B-1 [2] - 14:4, 14:10
B-2 [5] - 87:19, 88:6, 89:22, 90:10, 91:20
baby [2] - 50:14, 50:15
background [4] - 9:6, 9:8, 10:19, 71:16
backs [1] - 33:21
backup [1] - 6:11
backups [2] - 56:25, 57:14
backyard [1] - 133:3
bad [6] - 8:19, 15:21, 133:12, 134:7, 139:12, 139:13
bagel [1] - 44:13
bar [8] - 17:25, 48:20, 48:22, 49:5, 49:7, 49:8, 49:12, 49:16
barriers [1] - 132:25
Barry [1] - 107:2
based [14] - 15:17, 35:19, 35:20, 36:24, 39:19, 42:4, 44:1, 66:25, 87:8, 88:8, 100:7, 104:11, 104:16, 107:11
basement [5] - 100:19, 114:14, 114:19, 114:23, 115:18
basing [2] - 42:9, 44:10
basis [2] - 90:4, 90:5
Bay [1] - 29:12
bearing [1] - 111:24
beautiful [3] - 83:6, 121:19, 135:7
become [1] - 108:1
becoming [1] - 126:7
bedroom [10] - 6:2, 6:6, 26:12, 30:24, 78:16, 78:18, 78:21, 78:22, 78:23, 117:25
bedrooms [5] - 6:4, 31:1, 78:12, 78:17, 78:25
beforehand [1] - 111:15
begin [1] - 50:24
behalf [3] - 11:21, 77:12, 123:2
behind [1] - 50:19
belabor [1] - 132:12
bend [1] - 133:8
benefit [2] - 114:9, 129:23
benefits [3] - 17:16, 88:11, 88:16
best [7] - 49:19, 67:1, 83:5, 86:25, 94:15, 145:12
better [11] - 12:1, 18:5, 18:23, 22:5, 95:11, 100:5, 114:4, 118:5, 118:7, 125:19
between [7] - 22:10, 44:5, 44:13, 51:21, 66:14, 79:3, 133:1
between.. [1] - 66:11
beyond [2] - 11:10, 104:3
bid [1] - 128:1
big [13] - 16:14, 19:14, 81:19, 81:20, 81:22, 91:23, 125:16, 128:21, 131:5, 132:14, 132:16, 134:8
bigger [1] - 125:19
biggest [1] - 121:20
Bill [1] - 136:14
BILL [1] - 3:16
bit [8] - 15:6, 18:12, 18:16, 18:18, 34:16, 34:17, 106:3, 132:13
blaring [1] - 128:18
blight [2] - 117:22, 119:16
BLOCK [2] - 1:4, 1:6
BLOCK-LOT [1] - 1:4
BLOCK-LOTS [1] - 1:6
blocked [1] - 53:19
blocks [2] - 56:21, 117:6
Bloomfield [9] - 70:24, 71:2, 71:3, 77:4, 107:8, 113:13, 123:6, 128:13
blowing [1] - 51:10
Board [114] - 1:18, 1:19, 2:5, 4:2, 4:7, 5:25, 7:20, 7:22, 8:7, 8:9, 8:18, 8:23, 9:6, 10:21, 11:1, 11:13, 11:15, 12:10, 14:23, 15:13, 15:20, 23:5, 23:18, 23:23, 36:24, 38:8, 42:14, 47:21, 55:16, 55:17, 55:20, 55:21, 55:23, 55:25, 56:1, 56:5, 56:6, 59:8, 59:10, 61:9, 69:7, 70:7, 71:24, 72:8, 72:11, 76:12, 76:13, 77:21, 79:3, 79:4, 79:19, 82:10, 82:15, 84:2, 85:3, 86:7, 86:17, 87:4, 87:11, 87:20, 91:22, 94:3, 94:7, 94:22, 96:3, 97:4, 97:13, 99:7, 101:3, 101:21, 103:10, 104:20, 105:3, 105:8, 106:21, 106:24, 107:5, 107:11, 108:4, 108:17, 108:25, 109:4, 109:6, 109:7, 109:10, 111:7, 114:5, 116:19, 116:21, 117:14, 120:9, 121:3, 122:15, 123:1, 123:3, 123:7, 126:11, 126:19, 128:17, 129:19, 129:25, 130:23, 136:19, 137:4, 137:10, 137:22, 137:24, 138:5, 138:24, 141:13, 142:14
BOARD [5] - 1:1, 1:11, 143:25, 144:1, 144:3
board [2] - 4:12, 66:5
Board's [2] - 11:12, 94:11
BOARD'S [1] - 3:6
Boards [1] - 56:13
body [1] - 55:13
book [1] - 7:12
bookkeeping [1] - 5:24
borders [1] - 92:15
borings [1] - 8:2
born [1] - 131:4
bottom [2] - 48:22, 115:17
bought [3] - 81:25, 124:7, 125:8
boundaries [1] - 93:6
boundary [1] - 91:6
box [1] - 45:22
break [2] - 41:10, 67:16
Brian [1] - 120:17
BRIAN [2] - 1:23, 3:14
brick [2] - 125:16, 128:21
brief [2] - 68:18, 70:17
bring [7] - 6:10, 56:9, 82:9, 100:23, 118:13, 140:20
broken [1] - 115:12
broken-up [1] - 115:12
Brook [1] - 2:4
brought [4] - 15:10, 15:21, 59:22, 102:23
BROWN [31] - 1:15, 4:18, 25:12, 25:17, 25:20, 26:4, 26:7, 26:10, 26:17, 26:19, 27:1, 27:3, 27:6, 27:11, 27:25, 29:6, 29:23, 30:9, 30:18, 45:15, 46:18, 46:22, 46:25, 79:20, 80:3, 80:11, 80:19, 94:23, 95:5, 95:8, 95:13
brown [2] - 4:17, 33:25
buffer [1] - 63:3
buffering [2] - 98:8, 98:9
build [4] - 19:2, 89:14, 99:20, 126:5
builder [6] - 123:2, 123:5, 123:10, 123:17, 125:15, 125:24
builder's [2] - 122:24, 123:3
builder/developer [1] - 76:3
Building [2] - 101:15, 107:24
building [40] - 45:23, 46:4, 46:20, 52:5, 57:25, 60:20, 73:5, 73:16, 81:15, 81:16, 81:17, 82:16, 82:24, 84:4, 84:8, 87:9, 88:22, 90:15, 90:17, 92:10, 93:8, 95:7, 95:10, 98:19, 99:1, 100:23, 102:9, 115:14, 117:24, 121:19, 123:14, 124:3, 132:19, 132:25, 134:8, 135:7, 135:13, 136:1
buildings [10] - 77:1, 77:5, 81:10, 81:16, 82:20, 113:9, 115:6, 134:2, 135:14, 137:18
builds [1] - 121:19
built [5] - 36:6, 36:17, 108:3, 108:6, 108:9
bulletin [1] - 4:12
bump [1] - 31:8
burden [2] - 84:21, 87:12
bus [4] - 20:20, 26:1,

29:1, 106:19
buses [1] - 20:24
business [7] - 8:5, 10:8, 121:5, 121:6, 121:7, 121:14, 121:15
businesses [1] - 121:6
busy [2] - 36:12, 50:23
buy [2] - 16:3, 121:13
BY [9] - 2:4, 2:8, 3:8, 3:12, 10:24, 68:13, 71:7, 76:1, 78:9

C

C-5 [1] - 91:4
calculating [1] - 42:4
calculations [7] - 40:19, 100:4, 100:8, 102:7, 104:12, 104:16, 141:7
CALDWELL [1] - 1:24
Caldwell [3] - 75:19, 75:23, 79:25
calendar [1] - 143:12
cameras [2] - 124:10
cannot [1] - 131:10
capacity [1] - 95:25
car [21] - 22:11, 29:4, 29:8, 30:2, 30:5, 32:25, 33:18, 39:16, 48:10, 49:1, 49:25, 50:13, 50:15, 50:17, 53:6, 57:18, 61:16, 65:3
care [5] - 52:21, 52:24, 103:18, 108:2, 125:14
carpenter [1] - 42:20
carpooling [1] - 29:2
carry [2] - 141:13, 142:15
cars [26] - 18:1, 22:11, 22:19, 22:21, 22:22, 23:6, 23:11, 23:13, 23:14, 26:14, 29:15, 49:22, 50:5, 50:6, 50:7, 50:18, 50:19, 62:5, 64:20, 64:22, 65:2, 65:5, 131:8, 133:9
case [6] - 5:13, 22:24, 61:17, 104:19, 107:13, 116:19
Cathedral [6] - 136:15, 136:18, 136:24, 139:6, 139:12
caught [1] - 124:15
caution [1] - 8:7
CCR [2] - 145:24, 145:24
ceiling [1] - 45:23
Census [3] - 26:22, 27:8, 27:16
census [2] - 27:22, 67:5
center [2] - 42:18, 49:5
Centre [11] - 2:7, 37:25, 38:3, 77:4, 80:1, 100:18, 108:8, 113:14, 137:17, 137:18, 137:20
certain [6] - 97:20, 99:4, 107:8, 132:13, 135:2
certainly [12] - 20:24, 22:16, 34:13, 35:14, 40:17, 78:8, 83:20, 116:7, 116:14, 117:23, 118:3, 139:3
Certified [3] - 1:21, 145:6, 145:7
Chair [2] - 6:14, 116:16
CHAIRMAN [209] - 4:1, 4:5, 5:9, 5:12, 6:15, 7:10, 7:13, 7:16, 9:1, 9:15, 9:18, 9:24, 10:4, 10:9, 10:14, 10:18, 10:20, 23:22, 33:1, 33:5, 33:9, 33:12, 33:17, 33:25, 34:3, 38:5, 38:14, 38:18, 39:1, 39:6, 39:9, 40:7, 40:12, 40:14, 44:15, 44:18, 44:25, 45:8, 45:11, 46:17, 47:1, 47:8, 47:11, 47:14, 47:18, 58:15, 58:20, 58:24, 59:2, 59:5, 59:11, 60:25, 61:6, 61:11, 65:17, 67:2, 67:9, 67:12, 67:17, 67:21, 68:2, 68:6, 68:11, 68:16, 69:23, 70:1, 70:10, 70:19, 70:21, 70:25, 71:5, 71:25, 72:4, 72:10, 74:7, 74:11, 74:14, 74:18, 74:22, 74:25, 75:4, 75:9, 75:11, 75:20, 75:25, 77:17, 77:19, 78:3, 79:17, 80:20, 80:24, 81:4, 81:7, 81:13, 83:16, 85:2, 85:5, 85:8, 85:12, 85:15, 85:19, 85:22, 86:1, 86:5, 86:9, 94:21, 95:14, 96:2, 96:7, 96:10, 96:15, 96:17, 96:22, 97:7, 97:10, 108:15, 110:9, 111:1, 111:4, 112:7, 112:18, 113:6, 113:15, 114:8, 114:13, 115:4, 115:21, 115:24, 116:2, 116:5, 116:23, 117:3, 117:8, 117:11, 117:16, 118:17, 118:23, 119:2, 119:5, 119:9, 119:12, 119:18, 120:5, 120:8, 120:12, 120:15, 120:18, 120:21, 120:25, 121:25, 122:4, 122:12, 122:16, 126:15, 126:18, 126:21, 127:1, 127:4, 127:7, 127:10, 127:14, 127:19, 128:5, 128:9, 129:2, 129:9, 129:18, 130:3, 130:12, 130:15, 130:19, 130:24, 131:3, 131:15, 131:18, 131:21, 131:25, 132:3, 132:6, 132:10, 134:4, 136:5, 136:8, 136:11, 136:16, 136:21, 137:8, 137:14, 137:25, 138:8, 138:14, 138:22, 139:3, 139:14, 139:17, 139:20, 139:23, 140:8, 141:11, 141:24, 142:7, 142:18, 142:22, 142:25, 143:4, 143:7, 143:23, 144:2, 144:4
Chairman [41] - 1:12, 5:8, 5:17, 5:20, 10:15, 23:20, 47:22, 59:8, 59:10, 59:22, 61:10, 62:21, 67:14, 67:20, 67:24, 71:24, 75:2, 78:7, 79:16, 85:11, 85:18, 86:12, 86:20, 97:12, 103:19, 107:17, 108:14, 112:9, 112:24, 113:22, 114:12, 114:15, 116:6, 117:15, 121:3, 122:15, 130:10, 130:23, 136:20, 139:6, 140:13
challenge [1] - 84:17
chance [2] - 21:8, 21:9
change [5] - 19:5, 24:22, 104:22, 104:24, 118:12
changed [2] - 50:20, 54:23
changes [2] - 51:1, 90:24
changing [2] - 91:24, 93:16
character [6] - 92:20, 92:23, 93:17, 132:20, 132:22, 133:24
characterization [1] - 128:12
Charlie [1] - 123:10
chart [1] - 41:11
check [2] - 80:14, 143:11
Chester [2] - 10:7, 10:12
children [2] - 78:20, 123:9
Chinese [1] - 114:10
Christmas [1] - 18:14
circled [1] - 37:25
citizens [1] - 139:4
City [2] - 124:25, 125:18
city [1] - 125:17
clarification [2] - 25:13, 103:12
clarify [2] - 26:7, 46:18
clean [4] - 82:5, 101:13, 119:24, 138:12
cleaned [1] - 82:13
cleaning [1] - 42:21
cleanup [2] - 8:14, 101:19
clear [3] - 91:25, 110:14, 125:5
clearly [3] - 89:6, 94:5, 95:10
Clerk [1] - 4:15
Cleveland [1] - 54:7
client [2] - 11:13, 128:25
Clifton [2] - 18:15, 34:7
clogging [1] - 56:25
close [6] - 13:20, 14:1, 63:18, 73:21, 89:2, 132:25
closed [1] - 62:21
closer [1] - 85:24
CME [1] - 1:18
code [3] - 19:13, 38:11, 107:3
coffee [1] - 16:4
collection [1] - 138:12
collectively [1] - 12:10
column [1] - 24:25
columns [1] - 99:1
combined [1] - 91:10
comfortable [1] - 11:15
coming [10] - 14:20, 41:22, 42:19, 44:22, 48:1, 50:25, 52:4, 57:16, 58:9, 113:17
Commencing [1] - 1:10
comment [3] - 38:18, 112:8, 126:22
comments [23] - 15:19, 17:22, 98:23, 98:24, 101:11, 102:1, 107:17, 108:13, 111:15, 116:15, 116:22, 116:25, 117:4, 122:5, 127:20, 127:23, 128:7, 128:23, 131:22, 137:9, 139:18, 140:21, 140:23
COMMENTS [1] - 3:12
commercial [12] - 21:20, 41:5, 41:18, 45:3, 62:3, 62:9, 62:20, 76:14, 88:12, 91:14, 92:13, 92:15
commissioner [2] - 105:14, 111:14
commissioners [2] - 9:8, 108:23
Commissioners [7] - 55:18, 55:21, 56:1, 56:6, 107:5, 109:6, 111:7
Commons [3] - 18:15, 34:7, 105:12
community [2] - 92:19, 95:22
commuter [2] - 25:21, 25:22
compact [17] - 21:13, 21:14, 22:14, 22:16, 22:17, 22:20, 22:22,

23:5, 23:9, 23:11, 99:11, 99:14, 106:22, 107:1, 107:10, 107:14, 113:25
company [16] - 6:1, 12:12, 16:24, 42:6, 46:11, 76:21, 76:23, 79:12, 79:22, 79:24, 80:21, 81:3, 81:5, 81:11, 83:21
comparative [2] - 104:2
compare [2] - 28:8, 28:12
compared [3] - 30:25, 39:14, 40:8
comparing [2] - 17:3, 17:4
comparison [8] - 12:13, 14:3, 31:4, 38:22, 39:20, 39:24, 41:8, 78:4
comparisons [2] - 13:7, 36:22
compatible [2] - 62:11, 64:3
complaints [1] - 105:10
complete [1] - 82:15
completed [2] - 116:20, 123:18
completely [3] - 39:8, 111:22, 115:13
compliance [6] - 97:20, 97:21, 97:23, 99:19, 114:6
compliment [1] - 139:25
comply [1] - 69:8
comprised [1] - 22:14
compromise [6] - 124:1, 124:4, 124:5, 124:19, 124:21
computer [1] - 79:7
computers [1] - 80:9
conceivably [1] - 12:1
concern [4] - 57:14, 104:11, 111:15, 133:2
concerned [4] - 104:10, 132:19, 132:23, 132:24
concerns [6] - 82:14, 105:13, 106:6, 132:14, 133:17, 134:8
concise [1] - 94:16
concludes [1] - 69:24
concluding [1] - 141:15
conclusion [1] - 25:10
conclusions [1] - 18:7
concrete [2] - 22:14, 73:9
concur [1] - 38:24
condensed [1] - 141:21
condition [9] - 8:20, 100:9, 101:4, 106:10, 108:4, 109:13, 110:12, 110:14, 119:21
conditions [5] - 15:25, 19:2, 19:3, 106:13
condone [1] - 29:10
condos [1] - 28:20
conducive [1] - 20:22
conducted [1] - 97:16
coned [1] - 46:9
confirm [1] - 69:17
conflicting [2] - 92:24, 93:15
congested [4] - 34:11, 61:20, 63:9, 63:23
connected [1] - 80:9
cons [1] - 87:2
conscience [1] - 129:21
conservative [2] - 28:6, 31:8
consider [1] - 118:15
consideration [3] - 77:21, 93:9, 140:3
considered [3] - 8:8, 53:19, 53:20
consistently [1] - 28:21
consolidate [1] - 88:15
consolidation [1] - 90:23
constructed [1] - 114:7
constructing [1] - 72:22
construction [14] - 56:18, 56:19, 56:21, 56:23, 57:3, 57:6, 57:13, 73:16, 99:5, 99:17, 101:14, 101:20, 101:22, 107:18
Construction [1] - 102:23
constructions [1] - 100:16
consult [1] - 108:22
consultation [2] - 101:23, 107:24
consulted [2] - 97:4, 109:7
contaminated [3] - 8:17, 88:1, 95:20
contamination [5] - 7:4, 9:10, 88:4, 89:13, 135:17
contended [1] - 87:24
contending [1] - 88:16
context [1] - 9:8
continuation [1] - 5:14
continue [3] - 10:14, 78:6, 143:1
continues [1] - 30:4
continuing [2] - 9:2, 92:22
continuously [1] - 125:21
control [4] - 57:3, 76:24, 102:12, 102:21
convenience [2] - 15:2, 15:3
CONYNGHAM [1] - 2:2
cooperation [1] - 140:1
copies [4] - 4:15, 72:7, 74:11, 74:12
copy [3] - 4:11, 4:14
corner [19] - 30:10, 48:22, 63:9, 81:20, 81:23, 82:5, 82:24, 83:7, 91:10, 98:2, 98:18, 109:23, 119:14, 125:23, 126:1, 126:9, 131:1, 132:24, 133:21
correct [34] - 8:11, 8:15, 11:3, 11:4, 11:8, 11:16, 24:11, 31:9, 31:10, 42:10, 44:5, 48:7, 51:14, 52:6, 68:21, 68:25, 69:9, 71:12, 71:13, 71:17, 71:18, 71:20, 73:5, 76:15, 77:24, 79:5, 83:21, 108:23, 109:2, 110:4, 112:23, 114:11, 114:25, 115:10
corrected [1] - 26:6
correctly [1] - 9:2
CORSO [11] - 3:4, 70:23, 72:14, 72:23, 73:6, 73:10, 73:14, 73:18, 74:4, 74:17, 74:20
Corso [10] - 70:17, 70:20, 70:21, 70:23, 71:8, 72:6, 72:12, 74:1, 74:14, 75:7
cost [1] - 77:21
Costco [2] - 35:8, 118:10
counsel [4] - 8:21, 8:25, 110:20, 141:25
Counsel [2] - 2:5, 2:8
counsel's [1] - 5:18
count [2] - 6:6, 22:19
counts [5] - 18:10, 18:14, 18:18, 18:19
couple [5] - 5:24, 76:12, 92:4, 108:21, 125:7
course [4] - 6:24, 82:11, 102:5, 108:4
Court [3] - 1:21, 22:23, 145:6
COURT [1] - 1:23
courtesy [1] - 116:17
CPWM [1] - 1:18
crane [1] - 57:19
create [1] - 93:12
creating [1] - 90:18
credit [1] - 21:3
criteria [4] - 19:13, 89:12, 90:9, 94:12
critical [1] - 94:16
cross [3] - 23:21, 52:10, 52:11
cross-examination [1] - 23:21
CRR [1] - 145:24
cup [1] - 16:3
curb [1] - 103:3
current [2] - 126:4, 135:4
curve [1] - 133:9
customers [1] - 59:24
cut [3] - 53:5, 82:15, 94:25
cycle [1] - 33:15

D

D-1 [2] - 87:13, 87:14
D-6 [2] - 89:17, 90:1
D-plus [1] - 34:14
DaCosta [6] - 1:12, 4:19, 4:20, 141:19, 143:19, 143:21
damages [1] - 80:17
Daren [1] - 68:4
DARREN [1] - 3:4
data [6] - 6:11, 26:22, 27:8, 27:16, 28:15, 67:5
date [1] - 143:12
dated [1] - 87:6
daughter [1] - 64:25
dead [2] - 53:21, 53:23
dead-end [2] - 53:21, 53:23
deal [4] - 8:19, 13:11, 51:11
dealing [1] - 136:25
December [11] - 18:14, 18:18, 18:19, 142:5, 142:8, 142:12, 142:15, 143:2, 143:3, 143:4, 143:18
decent [1] - 139:1
decide [1] - 38:8
decides [1] - 89:1
decision [4] - 8:5, 9:12, 110:10, 123:12
decisions [2] - 94:7, 140:2
deck [1] - 90:15
deep [1] - 73:9
DeFeo [11] - 3:11, 61:4, 61:13, 63:8, 63:20, 64:5, 64:9, 64:24, 65:12, 65:15
DEFEO [1] - 61:5
deferred [1] - 93:9
defined [1] - 93:14
definitely [1] - 131:13
definition [1] - 95:9
delay [2] - 33:8, 60:8
delineate [1] - 66:11
deliveries [5] - 14:18, 16:13, 45:24, 46:13, 46:22
delivery [3] - 57:16, 58:7, 122:25
demand [2] - 21:25, 46:3
Demerjian [2] - 5:2, 34:1
DEMERJIAN [31] - 1:15, 5:3, 34:4, 34:6, 35:7, 35:12, 35:18, 35:22, 36:4, 36:13, 37:3, 41:2, 42:22, 42:25, 43:5, 43:8, 43:13, 43:15, 43:18, 46:14, 72:12, 72:21, 73:4, 73:8, 73:11, 73:15, 73:23, 83:18, 83:23, 84:3, 84:16
demolition [1] - 109:20
denoted [1] - 99:16
densely [2] - 28:10, 28:25

densely-populated [1] - 28:25
density [4] - 29:2, 123:11, 124:3, 128:15
deny [1] - 126:11
DEP [2] - 100:6, 115:20
Department [3] - 101:15, 102:23, 107:24
department [1] - 101:23
depicted [2] - 48:23, 48:24
deplorable [1] - 135:5
describe [1] - 106:17
described [1] - 97:19
DESCRIPTION [1] - 3:20
deserve [1] - 125:9
design [6] - 23:15, 82:1, 83:7, 103:22, 115:2, 132:16
designate [1] - 58:10
designated [6] - 21:14, 49:6, 112:13, 113:2, 114:2
designed [4] - 21:11, 29:12, 38:10, 82:7
desire [1] - 92:19
despite [1] - 132:15
detail [1] - 116:10
details [6] - 58:4, 100:24, 102:2, 102:3, 102:8, 103:18
determined [1] - 89:4
determining [1] - 39:22
deterrent [1] - 124:12
develop [3] - 121:22, 123:17, 126:9
developed [2] - 18:21, 123:5
developer [1] - 5:19
developing [1] - 125:25
development [20] - 12:16, 28:1, 36:14, 37:21, 48:4, 48:11, 49:17, 50:9, 50:11, 51:25, 52:11, 52:17, 53:4, 56:19, 89:25, 93:4, 93:13, 94:18, 103:11, 108:23
developments [3] - 28:7, 28:19, 28:20
diagonal [1] - 98:1
DIANA [1] - 2:4
DiBiasi [83] - 2:6, 2:8, 5:17, 5:18, 6:17, 7:18, 8:11, 8:15, 8:21, 9:4, 9:16, 9:19, 10:15, 10:19, 10:22, 10:24, 14:2, 23:20, 31:5, 31:11, 31:14, 31:21, 32:4, 51:15, 67:14, 67:18, 67:20, 67:24, 68:13, 69:12, 69:24, 70:6, 70:13, 70:16, 70:20, 71:7, 71:22, 72:9, 74:1, 74:5, 74:8, 74:12, 75:2, 75:10, 76:1, 77:17, 77:20, 77:25, 78:7, 78:9, 79:15, 83:1, 85:9, 85:10, 85:16, 85:17, 97:19, 110:13, 110:23, 112:23, 113:8, 116:5, 116:6, 117:1, 127:21, 127:22, 128:7, 128:10, 130:10, 130:14, 140:12, 140:13, 140:19, 141:6, 141:17, 141:25, 142:17, 142:19, 142:20, 142:23, 143:5, 143:9, 143:13
difference [3] - 19:14, 29:24, 30:7
different [8] - 34:13, 80:25, 81:9, 81:11, 84:23, 106:3, 111:22, 123:25
differential [1] - 114:20
differentiate [1] - 66:14
difficult [2] - 34:9, 94:7
dilapidated [1] - 93:5
diligently [1] - 110:19
dimension [1] - 23:7
DIRECT [4] - 10:24, 68:13, 71:7, 76:1
direction [3] - 12:3, 14:20, 14:21
disagree [1] - 73:23
discharge [1] - 114:25
disclaimer [1] - 6:25
discrepancy [1] - 79:3
discuss [3] - 102:14, 105:20, 141:23
discussed [5] - 93:1, 104:4, 105:22, 106:9, 110:17
discussion [1] - 143:16
dismiss [1] - 67:10
display [1] - 132:18
disqualify [2] - 138:1, 138:3
distance [1] - 20:20
district [6] - 88:17, 90:7, 90:11, 90:20, 123:9
disturb [1] - 73:19
disturbance [1] - 73:24
disturbing [1] - 73:12
divide [1] - 50:3
do-not-enter [1] - 99:17
document [4] - 48:17, 48:18, 72:8, 74:12
documenting [1] - 19:4
done [17] - 11:6, 56:23, 74:3, 77:23, 83:9, 103:14, 107:12, 111:8, 111:10, 111:13, 113:9, 119:25, 123:4, 133:21, 135:6, 135:23, 140:14
door [3] - 60:15, 80:6, 125:8
DOT [15] - 19:11, 19:16, 19:18, 37:8, 38:6, 38:24, 54:22, 55:3, 55:7, 56:2, 56:25, 103:5, 103:6, 105:15, 105:17
down [17] - 11:9, 24:9, 34:9, 34:10, 49:3, 64:12, 74:19, 82:23, 113:12, 114:10, 118:11, 118:12, 118:20, 124:18, 131:11, 139:24
downsized [1] - 131:13
downstairs [1] - 22:7
draft [1] - 92:3
drafter [1] - 92:2
drainage [3] - 100:21, 100:22, 115:1
dramatic [1] - 91:14
drawn [1] - 15:11
drew [1] - 85:23
drill [1] - 114:10
Drive [4] - 1:9, 4:13, 47:17, 47:20
drive [6] - 16:4, 27:19, 29:7, 29:20, 29:21, 82:6
driveway [29] - 12:24, 12:25, 13:1, 16:11, 17:17, 17:18, 17:19, 17:20, 17:22, 18:1, 18:4, 19:12, 19:14, 19:15, 33:22, 38:10, 38:22, 38:23, 48:5, 48:23, 57:4, 60:16, 88:15, 88:20, 93:24, 131:7, 131:12, 133:14
driveways [22] - 12:22, 12:23, 13:2, 13:15, 13:17, 13:18, 13:19, 13:25, 14:13, 14:15, 14:22, 16:9, 18:21, 28:18, 30:13, 36:19, 37:1, 53:2, 88:9, 88:12, 88:14, 88:23
driving [1] - 94:17
drop [3] - 29:18, 29:19, 46:6
drop-off [1] - 29:18
dropped [3] - 29:12, 29:22, 30:3
drove [1] - 29:24
due [1] - 29:6
duly [6] - 10:12, 68:9, 71:3, 75:23, 86:8, 97:1
dunk [1] - 89:3
during [16] - 17:5, 18:11, 21:23, 39:17, 41:24, 46:9, 56:22, 60:11, 99:5, 105:20, 105:21, 106:6, 107:18, 123:16, 133:6
dwellers [1] - 44:22

E

easily [2] - 21:1, 23:11
east [1] - 48:3
East [9] - 37:25, 77:4, 80:1, 100:18, 108:7, 113:13, 137:16, 137:18, 137:20
easy [1] - 140:2
economic [2] - 93:2, 93:4
economically [1] - 117:25
Ed [2] - 79:3, 79:4
Edison [2] - 96:21, 96:25
Education [2] - 109:7, 109:11
effect [3] - 34:7, 77:20, 128:5
effective [1] - 93:24
efficiently [1] - 19:8
efforts [2] - 132:15, 133:19
egress [2] - 31:14, 53:18
either [7] - 54:15, 85:10, 85:22, 111:9, 116:25, 125:22, 129:12
either/or [1] - 125:20
elaborated [1] - 103:8
element [1] - 93:2
elements [2] - 90:17, 92:16
elephant [2] - 16:14, 81:22
elevate [1] - 83:7
eliminate [1] - 51:19
eliminating [2] - 90:19, 91:18
Elizabeth [4] - 58:23, 59:1, 130:17, 132:7
ELIZABETH [3] - 3:10, 3:15, 3:16
Elm [3] - 122:10, 122:14, 131:10
embarrassed [1] - 117:21
embarrassing [1] - 119:17
empirical [2] - 65:8, 65:25
employee [2] - 41:21, 41:23
employees [6] - 22:2, 41:24, 42:12, 42:19, 42:20, 79:21
enclosed [1] - 98:18
Enclosure [2] - 61:5, 61:8
encompass [1] - 113:25
encourage [4] - 92:8, 93:11, 94:5, 95:24
encroachment [2] - 92:21, 93:17
end [13] - 7:22, 21:25, 53:17, 53:21, 53:23, 66:4, 92:23, 99:19, 99:20, 115:17, 118:4, 139:24
ended [2] - 133:11, 133:12
ends [2] - 69:12, 142:16
enforced [1] - 58:1
enforcement [1] - 124:11

Engineer [1] - 1:18
engineer [8] - 6:20, 19:9, 45:18, 67:25, 97:3, 101:24, 103:15, 107:12
engineering [4] - 23:4, 67:15, 100:8, 110:18
Engineers [1] - 15:15
enhanced [1] - 137:19
ensure [2] - 57:4, 90:6
enter [1] - 99:17
entertain [1] - 116:21
entire [2] - 76:22, 137:22
entities [1] - 23:16
entrance [3] - 48:11, 49:17, 50:8
entrances [1] - 92:8
environmental [7] - 6:8, 6:9, 6:12, 6:20, 7:17, 82:2, 107:21
environmentally [1] - 88:1
environmentals [1] - 108:2
envision [1] - 21:17
equals [1] - 48:25
erosion [2] - 101:17, 102:21
errand [1] - 29:4
errands [1] - 133:6
error [1] - 63:6
escape [1] - 121:9
ESQ [2] - 2:4, 2:8
essence [1] - 22:4
essentially [12] - 12:15, 20:16, 38:22, 87:7, 87:25, 88:2, 88:9, 89:4, 91:20, 92:5, 112:10, 134:15
establish [1] - 8:13
established [4] - 92:18, 92:20, 92:23, 93:17
estate [2] - 7:3, 125:3
estimate [1] - 8:23
estimates [4] - 6:18, 6:20, 7:1, 7:3
estimation [1] - 112:2
evaluate [4] - 94:3, 94:12, 127:8, 129:21
evaluation [1] - 86:17
evening [23] - 4:1, 5:13, 5:22, 6:3, 6:9, 13:10, 15:6, 17:3, 30:23, 40:4, 41:19, 43:11, 43:20, 44:16, 58:18, 58:19, 58:20, 61:2, 99:8, 116:11, 116:13, 116:18, 116:20
evicted [1] - 135:2
evidence [5] - 70:18, 71:10, 71:23, 98:15, 98:20
EVIDENCE [1] - 3:18
exacerbated [1] - 34:18
exacerbates [1] - 34:15
exact [2] - 7:24, 93:6
exactly [1] - 105:16
examination [1] - 23:21
EXAMINATION [4] - 10:24, 68:13, 71:7, 76:1
example [2] - 30:12, 64:25
exceed [3] - 45:3, 62:10, 64:1
excluding [1] - 129:20
excuse [6] - 25:19, 33:1, 62:2, 77:19, 129:18, 130:4
exhibit [2] - 7:15, 91:15
EXHIBITS [1] - 3:18
existed [2] - 13:14, 119:22
existing [13] - 12:22, 13:13, 13:21, 17:4, 17:13, 19:2, 31:4, 51:19, 72:17, 72:19, 133:23, 133:25, 134:1
exists [4] - 39:15, 71:16, 73:3, 115:5
exit [1] - 112:16
exits [1] - 16:12
expect [1] - 138:19
expected [3] - 13:7, 15:24, 62:6
expended [1] - 77:15
experience [4] - 66:17, 119:13, 129:22
experienced [2] - 93:8, 121:10
expert [5] - 5:21, 9:17, 10:16, 54:18, 124:9
experts [4] - 112:3, 123:3, 123:6, 130:14
experts' [1] - 17:21
explain [3] - 84:7, 119:19, 121:4
explanatory [2] - 97:22, 106:19
expressed [2] - 103:25, 104:15
extended [1] - 88:20
extending [1] - 88:7
extension [2] - 93:23, 102:15
extensiveness [1] - 8:17
extent [1] - 131:14
extra [1] - 74:6
eyes [1] - 19:18
eyesore [3] - 95:22, 118:14, 137:5

F

facing [1] - 7:20
fact [13] - 10:25, 11:20, 11:22, 12:2, 18:11, 39:25, 93:21, 100:14, 105:8, 106:17, 118:9, 124:11, 135:1
factor [1] - 63:3
factors [1] - 34:6
fair [1] - 135:19
fall [1] - 103:7
familiar [1] - 115:4
families [1] - 65:2
family [12] - 12:6, 12:7, 12:21, 28:19, 30:25, 36:17, 87:17, 87:19, 91:3, 134:16, 134:25
far [7] - 7:23, 17:10, 36:25, 63:12, 113:14, 118:20
far-less [1] - 17:10
fashion [4] - 17:12, 39:19, 42:19, 65:4
fast [2] - 126:7, 133:9
fault [1] - 119:25
favor [2] - 123:13, 144:2
FedEx [1] - 46:19
fee [1] - 109:9
feelings [1] - 127:11
fees [3] - 103:11, 108:23, 109:1
feet [21] - 16:22, 19:24, 20:2, 20:6, 23:6, 41:5, 43:11, 45:24, 46:12, 49:17, 49:21, 50:1, 71:11, 72:25, 73:20, 90:12, 90:16, 91:19, 91:21
felt [1] - 63:24
fence [1] - 82:7
Fernwood [2] - 63:13, 131:10
few [2] - 122:21, 138:18
Fieldcrest [2] - 96:21, 96:24
fight [1] - 125:13
figures [1] - 82:17
file [1] - 127:2
filed [3] - 4:14, 7:1, 43:6
fill [2] - 107:21, 108:8
film [1] - 124:15
final [3] - 11:9, 142:11
finally [1] - 103:13
financial [2] - 84:21, 84:23
fine [1] - 27:22
fine-tune [1] - 27:22
finish [3] - 119:19, 119:20, 141:14
finished [1] - 83:9
first [21] - 4:12, 10:12, 12:18, 30:12, 50:13, 64:12, 68:9, 71:3, 75:16, 75:23, 86:7, 92:3, 96:25, 97:24, 100:23, 104:5, 107:23, 113:19, 118:19, 122:20
fit [4] - 49:23, 50:5, 61:21, 126:3
five [25] - 12:21, 13:2, 13:15, 13:17, 13:25, 30:13, 31:25, 43:13, 43:14, 43:15, 43:16, 43:22, 43:24, 44:6, 50:5, 50:6, 50:7, 51:6, 64:17, 65:2, 88:14, 117:6, 121:11, 123:12, 131:8
flag [1] - 4:3
flat [1] - 35:8
floor [7] - 4:12, 64:12, 64:13, 82:15, 100:24, 113:19, 113:20
flow [3] - 14:16, 40:8, 57:4
flows [1] - 57:8
fob [1] - 60:15
focusing [1] - 90:3
foliage [1] - 71:16
folks [1] - 70:15
follow [3] - 31:6, 78:8, 116:8
following [1] - 31:13
follows [6] - 10:13, 68:10, 71:4, 75:24, 86:8, 97:1
foot [5] - 44:1, 49:23, 73:6, 73:9, 83:20
foot-deep [1] - 73:9
footers [1] - 20:5
footing [2] - 73:9
force [1] - 111:19
foregoing [1] - 145:10
forester [3] - 101:5, 109:13, 109:15
forester's [4] - 109:14, 110:12, 110:14, 110:24
forma [1] - 84:23
formal [5] - 6:23, 7:5, 18:8, 89:4, 90:14
former [8] - 12:18, 12:22, 13:21, 20:12, 36:22, 39:20, 88:18, 89:2
formerly [1] - 35:20
forth [2] - 27:21, 100:17
forward [3] - 9:9, 12:9, 111:9
foundation [1] - 68:19
foundations [1] - 108:6
four [15] - 12:20, 13:9, 14:9, 30:14, 30:16, 30:19, 43:14, 44:5, 53:6, 58:11, 67:16, 87:9, 88:12, 121:11, 137:15
four-car [1] - 53:6
four-minute [1] - 67:16
fourth [1] - 12:17
frame [1] - 33:6
frames [1] - 143:10
framework [1] - 23:3
FRANCES [1] - 3:14
Frances [1] - 122:9
FRANK [1] - 1:13
Franklin [2] - 77:3, 77:6
free [1] - 127:24
Friday [1] - 34:8
friends [1] - 29:16
from.. [1] - 122:2
front [10] - 11:1, 39:11, 53:17, 60:19, 72:17, 73:1, 73:22, 91:9, 91:11, 128:16
frontages [1] - 91:12
full [9] - 13:15, 13:17, 16:10, 47:14, 68:3, 75:12, 89:7, 122:7, 136:12
fully [4] - 13:15, 89:8, 98:3, 98:18
fumes [1] - 133:1
fundamental [1] -

36:13
Fusaro [2] - 5:6, 111:4
FUSARO [7] - 1:13, 5:7, 111:3, 111:6, 111:12, 111:23, 112:6

G

G-O-O-D-S-O-N [1] - 117:10
game [1] - 119:11
gap [3] - 53:9, 53:10, 53:11
garage [8] - 59:14, 59:16, 60:14, 60:15, 107:15, 108:2, 108:7, 108:9
garage-door [1] - 60:15
garbage [11] - 98:14, 98:16, 98:17, 98:20, 98:21, 112:8, 112:9, 112:13, 112:14, 112:20, 132:24
garden [1] - 135:24
GARY [1] - 1:16
gas [23] - 12:5, 12:19, 12:23, 13:8, 13:18, 14:10, 17:4, 20:13, 30:13, 30:20, 36:7, 36:9, 36:10, 39:2, 78:5, 88:6, 89:2, 94:5, 95:16, 119:22, 131:6, 134:10, 135:14
gate [4] - 60:2, 60:10, 60:12
gated [3] - 59:14, 59:17, 59:18
gateway [2] - 92:10, 126:6
gateways [2] - 92:5, 92:6
gathered [2] - 129:7, 129:11
general [5] - 27:4, 90:23, 92:25, 93:6, 113:17
generally [1] - 44:23
generate [23] - 12:9, 13:9, 14:6, 14:7, 14:17, 14:24, 15:4, 16:19, 17:2, 17:8, 19:4, 28:1, 30:11, 30:23, 31:20, 36:18, 37:18, 38:24, 40:16, 41:18, 43:9, 44:12, 65:14
generated [8] - 13:12, 14:12, 16:8, 20:17, 25:9, 26:24, 30:20, 36:11
generates [5] - 15:3, 17:6, 30:20, 43:10, 44:12
generating [3] - 13:23, 29:25, 40:2
generation [12] - 13:6, 16:25, 20:11, 24:25, 28:12, 29:14, 34:25, 36:15, 36:25, 42:1, 104:5, 104:6
generations [2] - 35:15, 104:14
generator [2] - 17:10, 19:19
generators [1] - 20:15
George [1] - 83:17
germane [1] - 110:3
given [6] - 8:8, 75:12, 93:10, 121:7, 121:14, 125:24
glaring [1] - 127:25
God [1] - 56:17
good-looking [1] - 81:17
goodbye [1] - 29:18
Goodson [3] - 117:5, 117:9, 120:13
GOODSON [13] - 3:13, 117:5, 117:10, 117:18, 118:21, 118:25, 119:4, 119:7, 119:11, 119:15, 120:2, 120:7, 120:14
gorgeous [1] - 81:16
gotta [1] - 142:5
governing [1] - 55:12
GOWOREK [12] - 1:18, 4:8, 4:19, 4:21, 4:23, 4:25, 5:2, 5:4, 5:6, 5:8, 5:10, 72:3
grade [1] - 114:20
grading [2] - 100:3, 100:11
grammar [1] - 119:9
Grandview [2] - 75:18, 75:22
grant [1] - 23:18
granted [2] - 131:1, 131:2
grants [1] - 23:5
graphic [2] - 48:25, 49:19
grass [1] - 139:8
gravel [1] - 115:11
GRAZIANO [12] - 1:13, 4:22, 95:15, 96:1, 134:6, 134:18, 134:21, 135:9, 135:12, 135:16, 135:20, 136:3
Graziano [1] - 4:21
great [1] - 53:11
greater [1] - 36:11
green [2] - 33:16, 50:7
greenery [1] - 126:3
ground [2] - 8:1, 48:19
Group [1] - 81:2
grow [1] - 136:2
guarantee [1] - 6:25
guess [6] - 51:4, 65:5, 70:10, 80:3, 118:5, 131:25
guide [1] - 49:11
guideline [1] - 98:4
guidelines [1] - 98:5
guys [2] - 77:8, 83:8
gym [1] - 84:9

H

Hackensack [1] - 115:6
half [8] - 20:20, 20:22, 25:14, 33:19, 44:2, 65:11, 90:12, 90:13
half-a-mile [1] - 20:20
half-stories [1] - 90:12
half-story [1] - 90:13
Hall [1] - 1:8
hand [20] - 10:10, 33:23, 33:24, 37:15, 37:16, 47:19, 48:22, 59:6, 61:7, 68:7, 71:1, 75:21, 86:6, 86:23, 96:23, 117:12, 121:1, 122:13, 130:20, 136:17
handed [1] - 72:13
handicapped [1] - 97:25
handle [1] - 45:19
handled [4] - 46:10, 101:17, 101:22, 107:23
hands [3] - 72:5, 72:7, 74:12
happy [4] - 83:9, 83:12, 119:19, 125:12
hard [1] - 65:6
hauler [2] - 98:21, 113:4
hay [4] - 108:16, 109:16, 111:2, 141:3
Hay [10] - 68:25, 69:3, 69:13, 85:21, 96:16, 96:17, 96:20, 97:3, 115:25, 141:20
HAY [21] - 1:18, 3:7, 96:20, 97:6, 97:9, 97:12, 108:24, 109:17, 110:1, 110:6, 111:10, 111:13, 112:1, 112:9, 112:25, 113:21, 114:11, 114:15, 115:10, 116:4
hay's [1] - 140:21
Hay's [2] - 69:8, 116:14
head [1] - 81:8
headed [1] - 50:7
hear [4] - 6:4, 58:25, 85:8, 127:14
heard [15] - 9:10, 77:11, 86:13, 86:21, 87:23, 88:8, 89:9, 95:15, 103:21, 118:6, 118:8, 118:21, 129:4, 129:5, 139:10
hearing [3] - 70:6, 85:5, 96:7
Hearing [1] - 144:6
heart [1] - 125:7
heartsick [1] - 133:2
heavy [1] - 16:1
height [9] - 45:23, 89:17, 89:21, 90:2, 90:4, 90:11, 94:25, 124:3, 134:1
heights [1] - 90:6
help [7] - 17:24, 35:14, 55:8, 55:14, 56:18, 131:2, 139:4
helpful [2] - 7:19, 9:25
helps [1] - 55:15
Herald [1] - 4:14
hereby [1] - 145:10
hi [2] - 34:4, 34:5
high [6] - 45:24, 66:6, 66:14, 73:7, 87:12, 139:8
higher [10] - 15:18, 16:6, 18:19, 28:14, 28:23, 31:2, 66:3, 90:17, 94:9, 104:14
highway [4] - 51:14, 51:17, 54:15, 57:5
hindsight [1] - 123:13
hire [1] - 121:11
hired [1] - 86:17
Hoffman [2] - 128:1, 128:2
Hoffman-LaRoche [2] - 128:1, 128:2
holds [1] - 55:11
home [15] - 27:20, 28:19, 30:25, 46:2, 53:16, 62:15, 62:20, 62:25, 123:24, 124:6, 126:5, 129:15, 131:9, 137:16
homeless [1] - 134:11
homeowners [1] - 125:1
homes [2] - 36:17, 124:24
hometown [1] - 129:16
hope [2] - 118:15, 123:13
hopefully [1] - 87:4
horn [1] - 51:10
hour [25] - 13:11, 14:8, 15:5, 15:6, 15:10, 17:6, 17:7, 17:8, 17:9, 19:4, 21:3, 25:3, 25:4, 26:25, 27:16, 28:2, 30:15, 31:9, 33:16, 38:1, 39:17, 40:17, 41:23, 43:12, 62:24
hours [14] - 13:10, 13:11, 15:4, 41:25, 53:15, 58:6, 58:11, 60:11, 62:25, 86:22, 86:25, 105:21, 106:7
house [6] - 72:15, 87:19, 134:10, 134:13, 139:7, 139:8
housing [2] - 66:6, 125:6
huge [2] - 124:5, 138:17
hum [3] - 74:4, 126:25, 131:17
human [1] - 16:5
hundred [12] - 15:5, 15:9, 17:8, 20:17, 35:17, 35:25, 37:10, 37:11, 37:18, 49:20, 49:23
hundred-foot [1] - 49:23
hundreds [1] - 56:20
hurt [1] - 83:13
husband [4] - 29:24, 30:1, 124:7, 124:24
husbands [1] - 29:16
hypothetical [1] - 31:7

I

idea [1] - 125:24
identified [1] - 99:14
identify [5] - 48:16, 61:2, 70:22, 86:1, 96:18
idle [1] - 95:20
illegally [1] - 79:9
immensely [1] - 68:15
impact [24] - 13:22, 19:1, 19:19, 23:1, 23:8, 36:12, 36:20, 37:2, 37:10, 37:12, 39:15, 39:22, 40:5, 40:6, 44:19, 50:20, 54:12, 56:22, 57:7, 94:24, 95:3, 109:9, 110:21, 121:5
impactful [1] - 36:14
impacting [3] - 63:11, 63:12, 112:17
impacts [3] - 25:9, 37:1, 54:13
impervious [4] - 115:13, 115:14, 115:15
implications [2] - 91:12, 108:5
important [5] - 63:25, 82:19, 92:16, 105:4, 108:10
impossible [1] - 35:10
improve [1] - 54:24
improved [1] - 11:18
improvement [1] - 102:24
improvements [1] - 115:16
IN [1] - 1:3
inability [1] - 14:18
inactive [1] - 35:25
inch [1] - 48:24
inclined [2] - 21:1, 34:19
include [1] - 88:13
included [2] - 41:7, 66:6
includes [1] - 93:6
income [3] - 66:6, 66:14
inconsistencies [1] - 102:13
incorrect [1] - 128:14
increase [4] - 37:9, 39:18, 40:3, 123:8
increased [2] - 105:12, 105:13
increment [1] - 50:5
independent [2] - 86:17, 91:7
independently [1] - 110:2
indicated [3] - 88:10, 112:25, 114:3
indicates [1] - 49:9
indicating) [2] - 91:7, 139:9
indication [3] - 99:13, 112:14, 125:5
industry [1] - 23:16
inequities [1] - 128:18
inevitably [1] - 64:21
inform [1] - 101:16
information [10] - 8:7, 26:23, 27:18, 88:8, 97:17, 99:1, 116:10, 129:7, 129:10, 129:14
informed [1] - 82:2
ingress [2] - 31:14, 53:18
inhibit [2] - 74:16, 99:6
injury [1] - 124:16
input [1] - 11:12
instance [2] - 59:21, 124:8
instead [2] - 22:11, 95:17
Institute [1] - 15:14
intend [1] - 23:13
intends [1] - 123:17
intensity [1] - 94:9
intention [1] - 92:7
interest [1] - 125:1
interested [2] - 109:10, 113:5
interior [1] - 91:8
intersection [24] - 13:20, 13:21, 14:1, 14:14, 15:22, 33:2, 37:11, 37:14, 37:16, 37:17, 37:20, 48:21, 48:23, 49:5, 49:6, 50:24, 51:3, 52:10, 54:23, 54:24, 56:3, 88:10, 105:10, 108:12
intersections [1] - 18:22
Intindola [2] - 101:18, 107:2
INTO [1] - 3:18
introduce [1] - 107:14
introducing [1] - 115:12
invested [1] - 82:3
investment [1] - 76:23
Investment [1] - 81:2
issue [12] - 6:8, 70:17, 90:8, 92:21, 93:16, 101:19, 105:19, 105:20, 107:18, 107:20, 112:5, 131:13
issues [5] - 36:8, 82:2, 94:17, 99:2, 113:21
it'll [3] - 25:25, 42:18, 56:8
ITE [11] - 15:14, 15:17, 16:25, 20:8, 26:11, 27:9, 28:4, 28:8, 28:15, 28:22, 37:24
item [3] - 97:24, 98:7, 98:13
Item [9] - 98:7, 98:13, 98:25, 99:10, 99:13, 99:16, 100:25, 103:9
Items [2] - 99:10, 101:25
items [7] - 5:24, 97:20, 97:21, 97:22, 100:10, 101:10
itself [7] - 19:7, 37:17, 58:11, 92:14, 104:9, 107:15, 132:22

J

January [2] - 6:21, 7:1
JERSEY [1] - 1:24
Jersey [33] - 1:9, 2:4, 2:7, 4:13, 10:7, 10:12, 20:19, 22:18, 25:16, 25:23, 25:25, 26:5, 28:4, 28:11, 28:22, 47:21, 59:8, 59:10, 61:9, 68:5, 68:9, 71:3, 75:23, 84:12, 96:21, 96:25, 117:14, 121:3, 122:15, 130:22, 136:19, 145:8
JOANNE [1] - 3:11
job [1] - 70:11
John [2] - 58:22, 132:5
JOHN [2] - 3:10, 3:15
joint [2] - 56:7, 140:4
joke [1] - 91:17
Joseph [1] - 10:3
JOSEPH [1] - 3:3
Journey [2] - 26:23, 27:17
judge [2] - 8:18, 8:20
jump [2] - 29:4, 86:22
jurisdiction [1] - 6:10
justified [1] - 89:8

K

K-turn [1] - 112:16
Kansas [1] - 28:13
keep [4] - 83:11, 122:21, 126:12, 143:6
keeping [1] - 133:22
Kennedy [2] - 1:9, 4:13
key [2] - 13:11, 60:15
kicked [1] - 134:15
kicker [2] - 7:3, 7:7
kids [3] - 65:6, 91:16
kind [5] - 12:8, 52:9, 53:24, 84:25, 115:9
kindly [1] - 71:22
KINGSLAND [2] - 1:5, 1:6
Kingsland [29] - 5:13, 12:24, 13:1, 14:15, 16:1, 16:10, 17:18, 17:19, 19:12, 25:24, 34:9, 37:14, 48:1, 48:6, 48:21, 53:17, 59:7, 59:9, 77:7, 103:5, 105:12, 109:24, 118:24, 126:1, 130:18, 130:21, 131:10, 131:11, 136:24
kiss [1] - 29:18
kiss-and-leave [1] - 29:18
know.. [1] - 134:21
known [2] - 106:15, 138:15
knows [3] - 92:2, 97:13
Kucinski [1] - 123:10
KUNZIER [1] - 2:2

L

lack [2] - 90:14, 129:24
lady [1] - 74:9
laid [1] - 95:20
Lakeside [4] - 47:17, 47:20, 53:14, 54:7
land [4] - 20:16, 123:24, 126:4, 128:22
Land [1] - 39:20
landlord [3] - 123:19, 123:20, 134:15
LANDRY [48] - 3:9, 47:5, 47:16, 47:17, 47:23, 47:25, 48:7, 48:9, 49:2, 49:7, 49:10, 49:12, 49:16, 49:22, 50:2, 50:6, 51:6, 51:8, 51:18, 52:4, 52:7, 52:16, 52:21, 52:24, 53:3, 53:10, 53:23, 54:1, 54:4, 54:7, 54:10, 54:19, 55:15, 55:19, 55:24, 56:11, 56:15, 57:9, 57:19, 58:13, 65:19, 65:24, 66:2, 66:10, 66:21, 66:24, 67:4, 67:8
Landry [1] - 47:16
landry [2] - 49:14, 53:22
landscaper [1] - 101:4
landscaping [4] - 83:10, 98:12, 101:2, 132:23
large [3] - 108:9, 114:24, 132:18
largely [1] - 93:21
largest [1] - 123:19
LaRoche [2] - 128:1, 128:2
last [24] - 5:20, 7:21, 10:5, 24:25, 37:23, 47:15, 52:12, 57:21, 59:3, 61:3, 61:15, 71:9, 72:14, 75:12, 75:18, 86:2, 98:13, 114:13, 117:9, 120:4, 120:19, 121:12, 136:13
late [3] - 33:2, 62:24, 124:16
late-night [1] - 62:24
latest [2] - 70:17, 110:3
latitude [1] - 99:18
Laugher [1] - 77:9
law [1] - 124:11
Law [1] - 39:20
lawn [1] - 133:13
lay [1] - 68:18
laying [1] - 115:7
layout [1] - 48:19
lead [1] - 78:8
leading [1] - 14:21
learned [1] - 123:16
lease [3] - 58:5, 66:3, 83:25
least [11] - 17:7, 23:12, 36:14, 36:16, 36:17, 39:3, 82:9,

82:17, 117:20, 120:4, 124:24
leave [12] - 22:2, 26:19, 27:12, 27:14, 27:15, 29:18, 31:25, 35:25, 46:23, 47:1, 84:24, 141:19
leaves [3] - 30:3, 37:13, 64:16
leaving [5] - 14:21, 50:12, 51:25, 52:16, 53:3
left [14] - 16:12, 17:24, 33:23, 37:16, 48:22, 51:12, 51:23, 51:24, 52:3, 52:5, 52:19, 83:12, 131:5, 131:11
left-hand [3] - 33:23, 37:16, 48:22
left-turn [1] - 16:12
lefts [2] - 13:16
legally [1] - 127:2
length [3] - 23:15, 49:25, 53:6
lengths [2] - 48:10, 49:1
less [26] - 15:6, 17:10, 19:18, 19:19, 25:9, 31:16, 36:18, 36:20, 36:25, 37:1, 37:2, 38:24, 43:20, 44:8, 55:11, 65:10, 65:23, 65:24, 66:2, 66:17, 94:24, 95:2, 124:4, 124:7, 124:8
lessees [1] - 67:1
lesser [1] - 112:21
letter [10] - 55:11, 55:21, 87:7, 87:8, 97:18, 100:1, 103:14, 105:15, 109:18, 110:6
letters [1] - 87:5
level [17] - 18:23, 18:25, 19:5, 21:15, 21:16, 21:18, 21:21, 34:14, 48:19, 64:14, 94:9, 100:15, 100:19, 100:22, 105:3, 105:4, 105:5
levels [3] - 18:23, 39:14, 62:19
liability [2] - 7:20, 9:12
License [1] - 145:24
life [2] - 84:13, 137:1
Light [4] - 20:21, 20:24, 25:13, 25:20
light [21] - 17:25, 33:6, 33:11, 33:13, 47:25, 48:10, 49:4, 50:7, 50:19, 51:1, 51:2, 53:7, 90:7, 90:19, 117:19, 118:9, 118:11, 133:3, 133:4
light's [1] - 49:3
lighting [1] - 101:2
lights [1] - 118:12
likely [4] - 21:20, 37:12, 60:16, 73:15
limited [6] - 21:9, 50:22, 63:15, 63:17, 87:14, 88:5
line [8] - 26:4, 49:9, 72:22, 72:24, 73:5, 73:13, 73:22, 90:15
lined [2] - 29:15, 38:9
lines [4] - 20:20, 26:1, 29:1, 103:3
listed [1] - 134:19
listen [1] - 103:20
listened [3] - 82:10, 122:23, 123:2
listening [2] - 78:4, 106:16
lists [1] - 79:11
live [12] - 51:10, 53:14, 54:9, 64:25, 117:6, 122:10, 123:20, 123:21, 129:16, 131:14, 135:12, 136:23
lives [1] - 133:14
LLC [2] - 1:23, 2:6
LLCs [2] - 81:11, 81:12
loading [2] - 45:16, 45:20
Lobo [1] - 4:19
LOBO [5] - 1:12, 4:20, 141:19, 143:19, 143:21
local [2] - 102:17, 121:15
located [5] - 87:18, 87:19, 90:10, 91:23, 98:17
locked [1] - 59:21
look [22] - 16:24, 20:12, 20:13, 20:15, 33:15, 36:2, 36:5, 55:4, 60:18, 82:6, 83:3, 83:6, 105:18, 118:1, 127:12, 127:15, 127:16, 138:24, 139:7, 139:11, 142:5
looked [9] - 19:6, 20:18, 20:19, 37:25, 93:19, 94:19, 105:22, 112:4, 134:18
looking [10] - 48:19, 57:1, 69:16, 81:17, 102:25, 106:9, 115:11, 118:3, 137:5, 138:6
looks [4] - 63:20, 104:6, 135:7, 139:13
loose [1] - 142:15
lose [1] - 132:16
losing [3] - 133:2, 133:4
loss [1] - 8:9
lost [1] - 52:15
LOT [1] - 1:4
LOTS [1] - 1:6
LOU [1] - 1:13
louder [1] - 32:4
lounge [1] - 84:10
love [8] - 76:11, 82:4, 82:12, 82:18, 82:22, 82:24, 91:16, 133:3
low [1] - 66:14
lower [11] - 7:6, 18:12, 18:16, 18:18, 21:15, 21:18, 46:4, 64:14, 66:4, 66:6, 100:22
lower-end [1] - 66:4
lower-income [1] - 66:6
lurking [1] - 124:14
luxury [2] - 66:15
Lyndhurst [1] - 64:25

M

M-E-K-A [1] - 75:14
M-E-R-T-Z [1] - 59:4
ma'am [2] - 67:3, 122:17
machinery [2] - 121:13, 121:14
magnitude [2] - 108:10, 111:21
Main [2] - 10:7, 10:11
main [1] - 26:4
maintain [1] - 139:1
maintained [1] - 57:5
maintenance [2] - 93:9, 107:19
major [6] - 19:15, 54:10, 73:21, 105:25, 111:18, 111:21
majority [1] - 15:8
manageable [1] - 23:12
management [20] - 6:1, 12:12, 16:24, 21:16, 42:5, 46:11, 57:23, 58:2, 61:23, 76:21, 79:12, 79:21, 79:24, 80:5, 81:3, 81:11, 83:21, 100:12, 100:13, 102:11
managements [1] - 76:24
manages [1] - 81:12
manholes [1] - 102:3
manipulate [1] - 16:15
manipulations [1] - 18:2
manner [1] - 139:1
manor [1] - 53:18
many-people [1] - 29:21
Maplewood [1] - 107:8
March [2] - 56:14, 56:16
margin [1] - 63:5
MARIAN [1] - 3:11
Marian [1] - 61:4
MARIE [1] - 1:18
MARINO [5] - 1:16, 4:24, 37:5, 37:22, 38:4
Marino [1] - 4:23
mark [2] - 7:12, 71:22
marked [2] - 70:18, 71:10
MARKED [1] - 3:18
Marked [1] - 3:21
marking [1] - 72:2
MARY [1] - 1:14
mass [13] - 21:1, 21:2, 21:4, 21:7, 21:10, 27:19, 28:11, 29:7, 29:20, 29:21, 34:19, 106:17
Master [7] - 92:1, 92:3, 92:16, 92:25, 93:15, 94:10, 94:19
match [1] - 101:7
matches [1] - 79:10
material [1] - 57:16
MATTER [1] - 1:3
matter [4] - 10:25, 60:5, 111:11, 111:13
max [1] - 45:22
mayor [1] - 55:12
McGovern [90] - 2:4, 5:10, 5:11, 7:11, 7:14, 8:6, 8:12, 8:16, 9:22, 23:24, 24:3, 24:8, 24:12, 24:15, 25:1, 25:6, 25:11, 33:10, 34:1, 34:22, 34:25, 35:4, 40:11, 40:18, 40:21, 40:23, 41:1, 41:6, 41:10, 41:14, 41:20, 42:3, 42:8, 42:11, 42:14, 43:25, 44:4, 44:7, 45:17, 47:7, 47:10, 47:12, 48:16, 49:14, 53:21, 53:24, 54:3, 54:6, 54:8, 54:17, 54:20, 55:6, 55:14, 55:22, 56:4, 56:12, 69:15, 69:20, 69:22, 72:1, 75:15, 77:1, 85:21, 85:24, 86:15, 96:12, 96:14, 96:16, 97:2, 108:20, 109:3, 109:17, 109:19, 110:5, 110:8, 110:11, 110:22, 110:25, 130:8, 132:8, 140:6, 140:16, 141:1, 142:4, 142:9, 143:3, 143:11, 143:17, 143:20, 143:22
mean [19] - 23:17, 28:10, 33:10, 34:13, 42:25, 46:11, 55:10, 56:25, 62:12, 63:14, 79:25, 82:1, 83:5, 84:9, 89:13, 92:6, 94:6, 135:3, 137:1
meaning [3] - 15:8, 19:1, 66:17
means [1] - 124:5
measured [1] - 90:15
mechanism [1] - 58:8
Medici [1] - 22:24
meet [9] - 19:22, 61:25, 62:8, 63:3, 63:9, 63:25, 89:12, 115:19, 140:11
meeting [27] - 4:10, 5:21, 7:21, 37:23, 56:7, 56:11, 57:21, 61:15, 66:25, 68:24, 71:9, 72:14, 102:7, 138:23, 140:4, 140:5, 140:6, 141:12, 141:14, 141:23, 142:5, 142:8, 142:10, 142:11, 142:12, 143:1, 143:2
Meetings [1] - 4:10
meetings [2] - 5:15, 68:21
Meka [23] - 7:22, 8:4, 9:12, 16:23, 75:10,

75:14, 75:21, 76:2, 77:14, 78:10, 79:20, 80:21, 81:15, 83:18, 85:13, 110:13, 126:22, 127:25, 128:19, 128:21, 137:4, 137:17, 138:6
MEKA [21] - 3:5, 75:14, 75:17, 75:18, 77:3, 77:10, 79:23, 80:7, 80:14, 80:23, 81:1, 81:6, 81:10, 81:18, 81:24, 83:5, 83:22, 83:24, 84:14, 85:1, 85:14
Meka's [6] - 6:1, 6:5, 12:12, 113:9, 121:5, 138:17
Mekaville [1] - 126:7
MEMBER [2] - 143:25, 144:1
member [4] - 71:23, 74:13, 85:3, 137:22
MEMBERS [4] - 1:11, 3:8, 3:12, 144:3
members [17] - 7:19, 8:23, 23:23, 72:8, 72:11, 79:19, 82:10, 91:22, 94:22, 96:3, 104:20, 108:18, 120:9, 126:14, 126:19, 129:19, 137:10
memoranda [1] - 6:22
mention [5] - 14:3, 101:11, 102:15, 105:3, 118:21
mentioned [2] - 108:22, 109:15
merit [1] - 127:8
Merit [1] - 145:7
Mertz [6] - 58:22, 58:23, 59:1, 59:4, 132:5, 132:7
MERTZ [31] - 3:10, 3:10, 3:15, 3:16, 58:18, 58:22, 58:23, 59:1, 59:4, 59:13, 59:16, 60:1, 60:7, 60:22, 132:2, 132:5, 132:7, 132:12, 133:11, 133:12, 133:23, 133:25, 134:13, 134:20, 134:22, 135:11, 135:15, 135:19, 135:22, 136:4, 136:10
mess [1] - 125:23
method [1] - 115:8
metropolitan [1] - 29:1
mic [3] - 9:23, 120:16, 122:7
MICHELE [3] - 1:21, 145:6, 145:24
microphone [6] - 58:17, 58:25, 117:4, 122:17, 129:4, 136:12
midday [1] - 21:23
middle [3] - 18:25, 45:25, 46:1
might [12] - 21:1, 23:2, 34:19, 57:12, 63:8, 93:11, 101:21, 109:8, 119:14, 124:13, 124:15, 124:18
migrate [1] - 114:18
migrated [1] - 84:11
mike [1] - 49:15
mile [6] - 20:20, 20:22, 25:14, 25:18, 25:21, 26:5
million [1] - 51:5
mind [3] - 122:21, 126:3, 131:7
minimum [2] - 14:12, 46:13
minor [9] - 19:17, 19:21, 38:12, 103:7, 104:23, 106:2, 106:9, 106:11, 111:21
minute [7] - 31:9, 31:23, 32:24, 33:18, 67:16, 75:4
minutes [1] - 122:21
misrepresentations [2] - 127:25, 128:19
Miss [1] - 131:22
miss [1] - 126:15
missed [1] - 24:13
mixed [4] - 20:1, 89:20, 104:16, 112:12
mixed-use [2] - 89:20, 112:12
MLS [1] - 134:18
modifications [1] - 11:17
Monday [7] - 1:8, 140:7, 140:10, 141:11, 141:14, 142:9, 143:18
money [2] - 8:4, 82:3
Montclair [1] - 29:13
months [1] - 11:1
morning [10] - 13:10, 17:2, 30:23, 40:3, 41:19, 43:16, 43:17, 43:18, 44:8, 44:9
most [15] - 20:7, 21:20, 23:15, 26:19, 27:2, 28:24, 37:11, 44:8, 44:12, 60:16, 64:23, 87:23, 88:8, 92:16, 133:6
mostly [2] - 76:20, 115:11
mother [1] - 50:14
motion [2] - 143:1, 143:24
Mount [2] - 68:5, 68:8
move [6] - 12:9, 43:2, 46:6, 80:15, 83:20
move-ins [1] - 46:6
moved [5] - 124:25, 132:17, 132:21, 135:1, 143:25
movement [3] - 13:16, 13:17, 16:10
moving [5] - 46:10, 57:24, 58:4, 58:7, 101:16
MR [377] - 4:20, 4:22, 4:24, 5:1, 5:3, 5:7, 5:17, 6:17, 7:18, 8:11, 8:15, 8:21, 9:4, 9:16, 9:19, 10:1, 10:6, 10:15, 10:19, 10:22, 10:23, 10:24, 23:20, 24:2, 24:6, 24:11, 24:14, 24:18, 25:2, 25:7, 25:15, 25:19, 25:22, 26:6, 26:9, 26:15, 26:18, 26:21, 27:2, 27:5, 27:7, 27:13, 28:3, 29:9, 30:1, 30:17, 30:19, 31:5, 31:10, 31:11, 31:12, 31:14, 31:15, 31:21, 31:24, 32:3, 32:4, 32:6, 32:8, 32:10, 32:12, 32:14, 32:16, 32:18, 32:20, 32:22, 32:24, 33:4, 33:7, 33:14, 33:21, 34:4, 34:5, 34:6, 34:18, 34:24, 35:2, 35:6, 35:7, 35:11, 35:12, 35:16, 35:18, 35:19, 35:22, 35:24, 36:4, 36:5, 36:13, 36:16, 37:3, 37:4, 37:5, 37:8, 37:22, 38:3, 38:4, 38:7, 38:17, 38:20, 39:5, 39:8, 39:12, 40:10, 40:13, 40:15, 40:20, 40:22, 40:25, 41:2, 41:4, 41:7, 41:12, 41:17, 41:22, 42:7, 42:10, 42:13, 42:16, 42:22, 42:24, 42:25, 43:4, 43:5, 43:7, 43:8, 43:10, 43:13, 43:14, 43:15, 43:17, 43:18, 43:19, 44:3, 44:5, 44:11, 44:17, 44:24, 45:2, 45:13, 45:19, 46:14, 46:16, 46:21, 46:24, 47:24, 48:6, 48:12, 48:18, 49:4, 49:8, 49:11, 49:13, 49:18, 49:24, 50:4, 51:4, 51:7, 51:15, 51:16, 52:2, 52:6, 52:14, 52:18, 52:23, 53:1, 53:8, 54:25, 55:10, 55:17, 56:24, 57:12, 58:3, 58:14, 58:18, 58:19, 58:22, 59:4, 59:13, 59:15, 59:16, 59:18, 60:1, 60:4, 60:7, 60:10, 60:22, 60:24, 61:22, 63:16, 63:24, 64:8, 64:11, 65:7, 65:13, 65:16, 65:22, 66:1, 66:8, 66:12, 66:22, 67:7, 67:11, 67:13, 67:14, 67:18, 67:20, 67:24, 68:4, 68:13, 69:12, 69:19, 69:21, 69:24, 70:6, 70:12, 70:13, 70:15, 70:16, 70:20, 70:23, 71:7, 71:22, 72:9, 72:12, 72:14, 72:21, 72:23, 73:4, 73:6, 73:8, 73:10, 73:11, 73:14, 73:15, 73:18, 73:23, 74:1, 74:4, 74:5, 74:8, 74:9, 74:17, 74:20, 75:2, 75:10, 75:14, 75:17, 76:1, 77:3, 77:10, 77:25, 78:7, 78:9, 79:15, 79:23, 80:7, 80:14, 80:23, 81:1, 81:6, 81:10, 81:15, 81:18, 81:19, 81:24, 82:22, 83:1, 83:5, 83:15, 83:18, 83:22, 83:23, 83:24, 84:3, 84:14, 84:16, 85:1, 85:10, 85:14, 85:17, 86:3, 86:12, 86:20, 95:2, 95:6, 95:9, 95:15, 95:19, 96:1, 96:9, 96:13, 96:20, 97:6, 97:9, 97:12, 108:24, 109:17, 110:1, 110:6, 110:13, 110:23, 111:3, 111:6, 111:10, 111:12, 111:13, 111:23, 112:1, 112:6, 112:9, 112:23, 112:25, 113:8, 113:21, 114:11, 114:15, 115:10, 116:4, 116:6, 117:1, 120:17, 120:20, 120:23, 121:4, 127:22, 128:7, 128:10, 130:10, 130:14, 132:2, 132:5, 132:7, 133:11, 133:23, 134:6, 134:13, 134:18, 134:20, 134:21, 134:22, 135:9, 135:11, 135:12, 135:15, 135:16, 135:19, 135:20, 135:22, 136:3, 136:4, 136:10, 136:14, 136:23, 137:12, 137:15, 138:2, 138:10, 138:16, 139:2, 139:5, 139:16, 139:22, 140:13, 140:19, 141:6, 141:17, 141:19, 141:25, 142:17, 142:20, 142:23, 143:5, 143:9, 143:13, 143:19, 143:21
MRS [5] - 58:23, 59:1, 132:12, 133:12, 133:25
MS [212] - 4:8, 4:18, 4:19, 4:21, 4:23, 4:25, 5:2, 5:4, 5:5, 5:6, 5:8, 5:10, 5:11, 7:11, 7:14, 8:6, 8:12, 8:16, 9:22, 23:24, 24:3, 24:8, 24:12, 24:15, 25:1, 25:6, 25:11, 25:12, 25:17, 25:20, 26:4, 26:7, 26:10, 26:17, 26:19, 27:1, 27:3, 27:6, 27:11, 27:25, 29:6, 29:23, 30:9, 30:18,

33:10, 34:1, 34:22, 34:25, 35:4, 40:11, 40:18, 40:21, 40:23, 41:1, 41:6, 41:10, 41:14, 41:20, 42:3, 42:8, 42:11, 42:14, 43:25, 44:4, 44:7, 45:15, 45:17, 46:18, 46:22, 46:25, 47:5, 47:7, 47:10, 47:12, 47:16, 47:23, 47:25, 48:7, 48:9, 48:16, 49:2, 49:7, 49:10, 49:12, 49:14, 49:16, 49:22, 50:2, 50:6, 51:6, 51:8, 51:18, 52:4, 52:7, 52:16, 52:21, 52:24, 53:3, 53:10, 53:21, 53:23, 53:24, 54:1, 54:3, 54:4, 54:6, 54:7, 54:8, 54:10, 54:17, 54:19, 54:20, 55:6, 55:14, 55:15, 55:19, 55:22, 55:24, 56:4, 56:11, 56:12, 56:15, 57:9, 57:19, 58:13, 61:4, 61:13, 63:8, 63:20, 64:5, 64:9, 64:24, 65:12, 65:15, 65:19, 65:24, 66:2, 66:10, 66:21, 66:24, 67:4, 67:8, 69:15, 69:20, 69:22, 72:1, 72:3, 75:15, 77:1, 79:20, 80:3, 80:11, 80:19, 85:21, 85:24, 86:15, 94:23, 95:5, 95:8, 95:13, 96:12, 96:14, 96:16, 97:2, 108:20, 109:3, 109:19, 110:5, 110:8, 110:11, 110:22, 110:25, 117:5, 117:10, 117:18, 118:21, 118:25, 119:4, 119:7, 119:11, 119:15, 120:2, 120:7, 120:14, 122:9, 122:18, 126:17, 126:25, 127:3, 127:6, 127:9, 127:12, 127:15, 129:6, 129:10, 130:2, 130:8, 130:17, 131:1, 131:4, 131:17, 132:8, 140:6, 140:16, 141:1, 142:4, 142:9, 143:3, 143:11, 143:17, 143:20, 143:22

multifamily [1] - 112:12
multiple [1] - 113:10
Municipal [1] - 39:19
municipalities [1] - 107:7
MURRAY [1] - 2:2
must [1] - 79:10

N

name [28] - 5:18, 9:20, 10:3, 10:5, 47:15, 59:3, 61:3, 68:3, 75:12, 75:16, 75:18, 80:25, 81:2, 86:2, 117:5, 117:9, 120:16, 120:19, 122:7, 122:8, 122:9, 130:16, 132:3, 136:12, 136:13
national [2] - 27:10, 28:9
nature [2] - 16:5, 65:14
near [1] - 139:24
necessary [1] - 103:2
need [22] - 14:23, 18:2, 19:10, 19:12, 19:17, 19:23, 29:3, 29:5, 58:10, 78:2, 87:25, 88:9, 88:17, 89:4, 89:7, 98:20, 99:15, 106:4, 124:17, 126:12, 141:22, 143:12
needed [5] - 19:15, 36:10, 93:24, 116:10, 123:11
needing [1] - 21:24
needs [14] - 87:20, 89:12, 99:10, 100:20, 104:17, 105:8, 106:15, 112:13, 113:4, 131:1, 131:13, 133:20, 135:6, 135:23
negative [5] - 23:1, 25:9, 89:12, 90:9, 94:12
negatively [1] - 23:7
negotiations [1] - 7:2
neighbor [4] - 83:11, 133:10, 133:15, 135:8
neighbor's [1] - 139:8
neighborhood [7] - 84:20, 92:22, 95:3, 124:6, 125:4, 132:20, 134:1
neighborhood's [1] - 133:24
neighborhoods [1] - 92:20
neighboring [1] - 73:2
neighbors [2] - 72:16, 134:17
nerve [1] - 133:7
nerve-racking [1] - 133:7
net [2] - 39:18, 40:2
never [6] - 60:5, 83:22, 83:23, 128:15, 131:5, 131:7
NEW [1] - 1:24
new [11] - 15:9, 15:10, 16:8, 24:24, 36:10, 38:6, 74:15, 93:12, 93:20, 121:11, 121:13
New [36] - 1:9, 2:4, 2:7, 4:13, 10:7, 10:12, 20:19, 22:18, 25:15, 25:23, 25:25, 26:5, 28:4, 28:11, 28:21, 28:22, 28:25, 47:21, 59:8, 59:10, 61:9, 68:5, 68:9, 71:3, 75:23, 84:11, 84:12, 96:21, 96:25, 117:14, 121:3, 122:15, 125:18, 130:22, 136:19, 145:8
Newark [2] - 20:21, 26:3
News [1] - 4:14
newspaper [2] - 56:8, 129:12
newspaper's [1] - 129:13
next [14] - 7:15, 43:2, 58:9, 77:7, 125:8, 133:15, 134:8, 135:13, 138:23, 140:14, 141:11, 142:7, 142:10, 142:14
nice [4] - 53:5, 68:17, 91:16, 126:10
night [11] - 22:1, 34:8, 46:1, 62:17, 62:24, 140:7, 140:10, 141:12, 142:13, 143:18
nighttime [1] - 44:19
nine [1] - 37:19
nobody [3] - 21:4, 80:6, 80:17
non [1] - 66:15
non-luxury [1] - 66:15
none [8] - 3:21, 20:23, 70:6, 79:23, 85:5, 96:7, 114:2, 136:8
norm [1] - 107:6
normally [1] - 60:13
north [2] - 48:3, 91:4
North [2] - 75:18, 75:22
northeast [3] - 22:18, 28:4, 28:11
northerly [1] - 87:16
northern [2] - 28:21, 28:22
northwest [1] - 98:18
note [3] - 88:3, 88:24, 109:12
notes [2] - 122:19, 145:12
nothing [3] - 9:7, 9:13, 96:2
notice [3] - 4:10, 56:8, 58:6
noticed [1] - 104:20
November [4] - 1:8, 140:7, 141:14, 142:9
number [16] - 5:14, 7:25, 21:5, 21:6, 22:15, 28:16, 31:18, 50:22, 51:21, 89:22, 100:10, 113:23, 122:21, 123:23, 128:4, 132:18
NUMBER [1] - 3:20
numbers [18] - 6:2, 17:3, 21:2, 24:3, 24:16, 24:18, 24:22, 24:24, 28:14, 31:7, 31:18, 37:24, 40:23, 41:16, 42:1, 66:3, 84:24
numerous [1] - 139:9
NUTLEY [1] - 1:1
Nutley [51] - 1:9, 2:7, 4:11, 4:12, 4:13, 20:3, 27:6, 27:8, 27:14, 27:21, 47:17, 47:21, 59:7, 59:10, 61:9, 76:6, 76:21, 77:2, 78:12, 82:4, 82:18, 82:23, 82:25, 92:18, 116:17, 117:14, 117:19, 118:13, 118:24, 120:24, 121:2, 121:8, 121:12, 122:10, 122:14, 123:19, 124:22, 125:9, 125:13, 126:5, 126:12, 126:23, 129:7, 129:11, 129:24, 130:18, 130:22, 132:22, 136:15, 136:19, 137:16
Nutley's [1] - 4:2
nutshell [1] - 102:15

O

O-W-E-R-S [1] - 122:11
Oakley [2] - 120:23, 121:2
oath [4] - 7:23, 77:13, 78:2, 128:11
oaths [1] - 145:9
object [1] - 127:5
obligation [1] - 22:24
obstruction [1] - 99:2
obstructions [1] - 99:4
obviously [5] - 25:8, 46:7, 57:17, 102:9, 140:20
occasions [1] - 139:10
occupied [3] - 76:15, 124:24, 125:4
occur [1] - 26:25
October [7] - 6:23, 7:6, 69:18, 87:6, 87:7, 97:15, 109:19
OF [6] - 1:1, 1:1, 1:3, 1:4, 3:8, 3:12
of-way [1] - 103:6
Off-the-record [1] - 143:16
office [13] - 4:15, 16:22, 19:8, 21:22, 22:2, 41:25, 42:17, 42:18, 42:24, 80:5, 80:12, 104:17, 109:25
office@quickreporters.com [1] - 1:25
offices [2] - 79:24, 126:1
official [2] - 99:18, 143:15
officials [1] - 68:22
on-site [2] - 57:22, 58:1
once [2] - 9:4, 123:18

one [123] - 5:13, 6:1, 6:4, 6:5, 6:21, 8:23, 8:24, 12:7, 12:14, 12:17, 12:18, 12:20, 12:24, 12:25, 14:15, 14:20, 16:10, 16:11, 17:19, 20:10, 20:18, 21:15, 22:11, 23:24, 23:25, 24:1, 26:12, 26:16, 26:24, 26:25, 27:15, 30:2, 30:7, 30:24, 31:9, 31:21, 31:23, 39:16, 41:18, 41:19, 41:21, 41:22, 44:2, 46:5, 48:14, 50:22, 51:11, 61:16, 61:23, 61:25, 62:10, 62:11, 64:7, 64:15, 64:22, 64:24, 65:3, 65:11, 65:19, 66:7, 67:4, 69:8, 71:23, 74:6, 74:7, 74:10, 75:3, 76:22, 77:3, 77:4, 78:12, 78:15, 78:18, 78:21, 78:23, 79:23, 79:24, 79:25, 80:1, 80:16, 80:21, 81:8, 81:9, 81:12, 81:20, 81:24, 85:22, 88:15, 88:16, 89:16, 90:21, 91:10, 91:21, 92:23, 92:25, 97:14, 98:24, 99:16, 100:12, 100:16, 101:11, 104:9, 105:7, 107:18, 109:23, 117:25, 121:12, 121:19, 122:21, 123:23, 123:24, 125:15, 126:22, 130:4, 132:1, 135:3, 137:12
One [1] - 1:9
one's [1] - 16:3
one-and-a-half [1] - 44:2
one-bedroom [5] - 26:12, 30:24, 78:18, 78:21, 78:23
one-bedrooms [2] - 6:4, 78:12
one-corner [1] - 91:10
one-family [1] - 12:7
one-third [1] - 27:15
ones [1] - 132:14
online [1] - 27:16
onus [1] - 105:23
Open [1] - 4:9
open [10] - 44:9, 44:13, 44:16, 59:20, 59:23, 59:24, 60:12, 90:7, 90:19, 114:17
opened [2] - 60:11, 117:23
opener [1] - 60:15
operate [1] - 37:1
operated [2] - 19:7, 36:9
operates [1] - 18:22
operation [4] - 12:5, 12:7, 13:24
operations [1] - 112:17
operator [1] - 102:18
opined [1] - 15:21
opinion [10] - 23:4, 74:2, 81:23, 90:2, 90:18, 111:17, 129:24, 129:25, 137:3
opinions [1] - 123:8
opposed [2] - 23:6, 144:4
or.. [2] - 45:14, 47:6
order [10] - 14:8, 14:11, 14:16, 31:19, 37:19, 46:5, 63:5, 114:23, 115:18, 116:16
ordinance [23] - 19:24, 23:8, 45:5, 62:1, 62:4, 63:4, 63:9, 63:25, 65:23, 66:12, 66:13, 66:18, 66:23, 66:25, 107:9, 109:2, 115:19, 119:23, 138:25
ordinances [1] - 20:7
ordinary [1] - 65:10
organized [1] - 56:14
original [2] - 24:4, 24:8
ourselves [1] - 138:13
outlet [1] - 102:12
outs [1] - 46:7
outsized [1] - 123:14
overall [1] - 18:7
overflow [3] - 61:17, 61:21, 64:2
overlap [1] - 62:23
overlay [3] - 12:11, 93:12, 93:20
overnight [1] - 62:12
own [7] - 23:11, 78:11, 84:23, 123:24, 125:14, 137:15, 137:20
owner [6] - 119:24, 124:23, 125:4, 126:23, 134:23, 138:25
owner-occupied [1] - 125:4
ownership [1] - 106:4
owns [2] - 51:13, 123:22

P

p.m [5] - 1:10, 25:4, 59:20, 144:6
P.P [1] - 1:19
package [2] - 11:15, 48:13
PAGE [5] - 3:2, 3:6, 3:8, 3:12, 3:20
Page [10] - 24:21, 97:23, 98:13, 98:23, 98:25, 100:2, 100:10, 102:10, 103:9, 103:10
paid [1] - 123:2
parcel [1] - 123:24
pardon [1] - 119:4
park [2] - 45:1, 63:17
Park [1] - 2:3
parking [57] - 19:22, 19:23, 20:1, 20:5, 21:16, 21:22, 21:24, 21:25, 22:3, 22:4, 22:5, 23:13, 44:19, 44:20, 45:3, 45:5, 45:7, 46:3, 46:5, 46:8, 46:14, 50:22, 61:14, 61:18, 61:21, 61:23, 62:7, 62:18, 62:23, 63:1, 63:6, 63:13, 63:15, 63:17, 64:4, 64:12, 64:13, 64:15, 64:18, 66:19, 66:25, 99:6, 99:11, 100:15, 100:20, 102:4, 106:22, 107:14, 107:15, 113:16, 113:18, 114:1, 115:15, 124:10, 124:13, 125:18
parklike [1] - 126:2
part [27] - 8:13, 8:23, 11:17, 14:10, 48:13, 54:21, 54:25, 55:6, 57:2, 87:3, 88:21, 89:8, 89:18, 90:7, 90:8, 90:9, 90:19, 90:22, 93:22, 94:12, 96:11, 100:9, 107:25, 108:1, 127:17, 128:22, 132:21
partially [1] - 39:6
particular [2] - 57:1, 94:1
particularly [9] - 13:18, 14:16, 22:18, 23:12, 27:13, 28:21, 46:9, 62:19, 87:22
parts [1] - 121:20
party [1] - 118:23
pasos [1] - 138:18
pass [8] - 6:14, 6:22, 15:8, 15:15, 15:17, 15:24, 16:7, 119:16
pass-by [5] - 15:8, 15:15, 15:17, 15:24, 16:7
Passaic [27] - 5:13, 12:24, 12:25, 14:15, 16:1, 16:11, 17:16, 17:17, 17:22, 18:1, 18:3, 25:24, 34:10, 35:13, 37:14, 48:1, 48:21, 57:6, 57:7, 57:10, 77:7, 98:9, 103:4, 109:22, 118:24, 126:1, 131:9
PASSAIC [1] - 1:4
passenger [1] - 20:18
passerby [1] - 124:16
passes [1] - 56:18
passing [2] - 15:11, 124:14
past [5] - 44:16, 44:21, 99:3, 112:10, 129:21
Pastore [4] - 4:25, 83:1, 83:6, 84:18
PASTORE [8] - 1:14, 5:1, 74:5, 74:9, 81:15, 81:19, 82:22, 83:15
patience [1] - 140:1
patterns [1] - 33:2
PAUL [3] - 1:12, 1:19, 3:7
Paul [2] - 85:20, 86:3
pause [11] - 32:2, 32:5, 32:7, 32:9, 32:11, 32:13, 32:15, 32:17, 32:19, 32:21, 32:23
pay [1] - 138:18
PE [1] - 1:18
peace [1] - 125:9
peak [21] - 13:10, 13:11, 15:4, 15:6, 17:5, 19:4, 25:3, 25:4, 28:1, 38:1, 39:17, 41:24, 43:11, 45:6, 60:11, 60:12, 62:11, 63:2, 106:6
peak-hour [1] - 13:11
peaks [1] - 62:18
Pehle [1] - 2:3
PENNIE [1] - 3:9
Pennie [1] - 47:16
Pennoni [3] - 69:20, 141:3
penny [1] - 82:18
people [25] - 23:11, 26:13, 26:19, 29:2, 29:10, 29:16, 29:19, 29:21, 30:8, 34:11, 36:9, 52:8, 52:9, 61:19, 62:16, 79:9, 80:7, 80:15, 82:11, 121:11, 134:11, 134:16, 135:6, 138:10
people's [1] - 82:14
per [13] - 14:8, 15:5, 15:10, 17:7, 17:8, 17:9, 21:3, 40:17, 43:11, 45:5, 62:3, 65:11, 113:10
percent [11] - 8:22, 20:17, 22:15, 22:19, 22:20, 22:21, 23:13, 31:20, 35:17, 35:25, 104:8
percentage [4] - 15:15, 27:19, 27:20
perfectly [1] - 107:13
performance [1] - 123:4
perhaps [1] - 126:2
period [4] - 27:16, 62:12, 128:3, 128:16
periodic [1] - 93:8
permission [4] - 6:14, 7:8, 9:17, 67:25
permit [13] - 19:11, 38:12, 102:9, 102:15, 102:22, 103:2, 103:7, 103:8, 104:23, 105:25, 106:2, 106:9, 106:11
permits [4] - 11:10, 102:14, 103:6, 106:8
permitted [12] - 12:14, 14:4, 14:22, 17:6, 17:13, 20:14, 36:23, 39:21, 40:15, 41:8, 89:23
person [6] - 26:16, 42:21, 50:12, 65:3, 124:15, 127:18
personal [6] - 41:16, 128:20, 128:24, 128:25, 129:15, 129:17

personally [5] - 34:11, 86:24, 133:1, 135:10, 137:24
persons [1] - 4:16
perspective [2] - 94:18, 94:19
pertain [1] - 107:20
Peter [1] - 122:11
Phil [7] - 68:4, 68:14, 70:2, 70:4, 70:14, 140:20, 141:4
PHIL [7] - 3:4, 68:4, 69:19, 69:21, 70:12, 70:15
phone [1] - 80:13
phones [1] - 80:9
pick [1] - 46:5
picking [1] - 29:16
pickup [1] - 113:11
pickups [1] - 113:10
picture [2] - 82:23, 118:2
piece [2] - 117:22, 120:4
place [9] - 45:1, 58:8, 89:15, 114:10, 124:23, 125:11, 126:13, 129:16
Place [4] - 75:18, 75:22, 122:10, 122:14
plan [17] - 19:7, 21:10, 21:16, 23:8, 48:13, 48:19, 49:6, 57:3, 91:6, 93:2, 93:10, 99:7, 101:9, 109:20, 110:4, 113:3
Plan [6] - 92:1, 92:3, 92:16, 92:25, 93:15, 94:10
Plan's [1] - 94:19
Planner [2] - 1:19, 86:7
planner [6] - 37:23, 86:16, 116:9, 116:11, 140:20, 140:22
planning [5] - 87:5, 87:7, 90:23, 101:8, 110:18
Planning [12] - 55:16, 55:20, 55:23, 56:5, 106:1, 106:24, 107:4, 111:19, 128:17, 137:22, 137:23, 138:23
plans [8] - 97:17, 97:18, 99:25, 102:8, 103:17, 114:3, 123:21, 125:16
planted [1] - 101:6
planter [5] - 72:23, 72:25, 73:1, 73:6, 73:19
planting [3] - 72:19, 74:15, 109:22
plantings [1] - 73:17
plants [1] - 73:19
played [1] - 34:7
player [1] - 128:2
plaza [1] - 48:19
Plaza [1] - 2:3
Pledge [1] - 4:4
plumber [1] - 42:21
plus [2] - 34:14, 86:22
pocketbook [2] - 60:18, 128:22
point [25] - 5:15, 9:3, 20:10, 21:17, 39:23, 50:21, 53:25, 54:2, 62:22, 65:20, 67:10, 77:23, 91:1, 92:12, 93:1, 93:18, 103:13, 105:16, 107:3, 116:16, 131:5, 139:2, 142:1
point-by-point [1] - 103:13
pointed [2] - 22:5, 140:24
points [3] - 92:24, 93:15, 140:23
poll [1] - 4:6
pooled [1] - 22:10
poor [1] - 122:24
populated [2] - 28:10, 28:25
portable [1] - 9:23
portion [6] - 20:25, 87:16, 87:21, 91:6, 110:21, 126:8
position [1] - 87:1
positives [2] - 89:6, 90:3
possibilities [1] - 40:9
possibility [3] - 51:12, 115:5
possible [2] - 84:7, 89:3
possibly [1] - 113:18
posted [1] - 4:11
potential [6] - 12:16, 13:22, 37:9, 62:23, 87:2, 93:20
potentially [8] - 14:14, 26:13, 26:14, 26:15, 40:16, 43:23, 59:23, 89:20
pounce [1] - 124:19
POWELL [1] - 2:4
POWERS [13] - 3:14, 122:9, 122:18, 126:17, 126:25, 127:3, 127:6, 127:9, 127:12, 127:15, 129:6, 129:10, 130:2
Powers [1] - 122:10
practically [1] - 26:12
precluded [2] - 16:12, 17:23
predicament [1] - 86:24
predicted [1] - 38:1
preference [1] - 129:25
prepare [1] - 122:19
prepared [4] - 5:22, 87:5, 97:4, 141:23
preparing [1] - 93:10
present [2] - 7:9, 72:13
PRESENT [2] - 1:11, 1:17
presentable [1] - 138:20
presented [4] - 5:23, 11:21, 17:21, 72:15
presenting [1] - 123:7
preserve [2] - 83:12, 92:19
presume [1] - 36:7
pretty [7] - 91:16, 97:22, 106:18, 133:2, 133:12, 139:13, 141:21
primarily [3] - 15:11, 20:13, 20:16
principal [1] - 92:2
principles [1] - 23:4
privacy [1] - 132:16
private [4] - 98:21, 103:24, 113:4, 113:10
pro [1] - 84:23
probable [1] - 64:23
problem [10] - 54:2, 54:11, 55:3, 81:19, 84:20, 118:10, 118:11, 121:22, 123:8
problematic [1] - 17:20
problems [3] - 51:20, 99:22, 111:24
proceedings [1] - 145:12
PROCEEDINGS [1] - 1:5
process [1] - 101:15
productive [1] - 116:7
profession [2] - 76:2, 76:3
professional [1] - 129:22
professionals [1] - 129:20
profit [4] - 8:9, 82:9, 123:12, 124:4
progress [1] - 137:2
project [10] - 18:20, 65:5, 80:25, 82:5, 82:21, 86:18, 94:24, 118:16, 121:17, 138:21
projects [9] - 20:3, 20:5, 76:22, 80:22, 81:2, 81:8, 121:8, 121:18
Proline [2] - 98:4, 98:5
promised [1] - 5:20
proof [1] - 87:12
proofs [2] - 9:7, 9:13
proper [1] - 58:8
properties [7] - 13:3, 76:25, 133:1, 134:23, 135:5, 137:15, 137:19
property [59] - 8:14, 8:20, 12:2, 16:23, 72:16, 72:22, 72:24, 73:2, 73:5, 73:12, 73:22, 82:1, 82:13, 84:14, 84:17, 87:16, 87:18, 87:21, 88:6, 88:13, 89:8, 92:12, 92:14, 92:15, 95:17, 95:19, 95:24, 98:9, 101:13, 117:22, 119:24, 120:2, 120:4, 121:21, 121:23, 123:5, 123:18, 123:25, 124:22, 125:8, 125:25, 126:8, 126:23, 128:1, 128:2, 128:6, 128:13, 128:16, 132:17, 134:24, 135:18, 135:23, 135:25, 137:19, 138:12, 139:1
Property [1] - 81:2
proposal [4] - 6:23, 13:8, 60:8, 125:13
proposed [12] - 14:24, 16:18, 16:20, 17:9, 17:10, 18:20, 19:17, 24:4, 31:3, 57:6, 64:3, 132:20
proposing [2] - 64:14, 89:24
pros [1] - 87:2
protection [1] - 107:19
prove [3] - 22:25, 141:7, 141:8
provide [5] - 19:23, 63:5, 84:5, 93:23, 103:12
provided [5] - 16:25, 24:23, 106:18, 106:23, 125:10
provides [1] - 66:18
providing [3] - 45:6, 62:7, 66:19
provision [1] - 87:15
proximity [1] - 63:18
prudent [1] - 99:24
PSE&G [1] - 133:13
PUBLIC [2] - 3:8, 3:12
Public [2] - 4:9, 102:24
public [8] - 45:14, 56:8, 74:13, 97:13, 98:22, 103:25, 113:17, 126:14
pull [10] - 8:1, 9:9, 11:22, 46:20, 50:13, 60:13, 60:17, 122:16, 133:8
pulled [1] - 9:4
pump [2] - 100:21, 114:24
pumps [2] - 114:14, 115:9
punch [1] - 25:23
purposes [1] - 97:2
pursuant [3] - 4:8, 130:11, 145:9
pursue [1] - 110:19
put [23] - 7:23, 7:25, 11:14, 38:9, 40:9, 40:18, 41:2, 54:15, 58:10, 77:12, 78:2, 81:17, 83:10, 95:17, 97:5, 99:23, 99:25, 100:17, 105:23, 125:25, 127:25, 135:24, 138:19
puts [2] - 86:23, 132:18
putting [2] - 107:9, 133:18

Q

quadrupled [1] - 31:18
quality [3] - 84:4,

84:13
question's [1] - 67:3
questioned [1] - 7:19
questioning [3] - 17:21, 31:6, 79:16
questions [36] - 6:18, 15:19, 23:23, 45:9, 47:3, 47:4, 47:7, 47:8, 47:10, 47:12, 61:1, 61:11, 72:5, 72:10, 74:23, 75:6, 76:13, 79:19, 81:14, 83:17, 85:3, 85:6, 86:23, 94:14, 94:22, 108:17, 115:22, 115:25, 116:24, 120:9, 122:2, 126:18, 131:18, 134:5, 136:6, 137:10
QUESTIONS [1] - 3:8
QUICK [4] - 1:21, 1:23, 145:6, 145:24
quick [1] - 143:6
Quick [1] - 143:14
quickly [2] - 91:1, 92:17
quiet [1] - 124:6
quite [2] - 126:6, 139:16
quoted [1] - 92:5

R

R-1 [11] - 87:15, 87:20, 87:21, 88:7, 88:17, 89:8, 90:11, 91:21, 93:23, 94:25, 124:2
R-I-C-C-I [1] - 86:4
R.S [1] - 145:9
racking [1] - 133:7
rage [1] - 51:9
Rail [3] - 20:21, 20:24, 25:20
Rail's [1] - 25:13
raise [16] - 10:9, 47:18, 59:6, 60:3, 61:6, 68:6, 70:25, 75:20, 86:5, 86:23, 96:22, 117:11, 120:25, 122:12, 130:19, 136:16
raised [1] - 131:4
RALPH [1] - 1:14
ramp [2] - 97:25, 98:1
ramps [1] - 97:25
ran [1] - 84:23
range [2] - 18:24, 18:25
rate [2] - 16:6, 42:1
rates [7] - 13:6, 13:12, 15:15, 15:17, 16:25, 28:12, 28:22
rather [2] - 134:9, 135:12
ratio [3] - 31:2, 31:3, 125:3
ravages [1] - 121:9
raw [1] - 17:3
re [1] - 70:16
re-call [1] - 70:16
reactivated [1] - 13:13
read [4] - 4:6, 6:16, 116:12, 122:18
ready [3] - 124:19, 141:18, 142:18
real [3] - 25:17, 102:24, 125:3
realistic [1] - 142:24
realistically [2] - 92:7, 142:1
reality [1] - 36:3
realize [1] - 123:14
really [22] - 11:7, 34:9, 46:12, 77:20, 87:14, 90:22, 91:5, 91:17, 92:8, 92:9, 93:24, 93:25, 94:17, 94:18, 101:16, 111:24, 113:24, 114:3, 121:15, 134:7, 137:7, 138:5
Realtime [1] - 145:8
rear [4] - 91:9, 91:18, 133:11, 133:12
rear-ended [2] - 133:11, 133:12
reason [12] - 8:14, 8:22, 15:24, 28:24, 77:25, 82:8, 88:2, 105:24, 105:25, 110:2, 110:7, 132:16
reasonable [1] - 27:10
reasons [2] - 22:25, 133:17
receipt [1] - 123:1
received [2] - 38:15, 69:2
recently [4] - 15:1, 18:16, 36:23, 39:21
Recess [1] - 67:19
recession [1] - 121:9
recited [1] - 4:4
recognize [1] - 101:21
recognized [2] - 23:15, 93:14
recognizes [1] - 37:8
recommend [2] - 109:22, 111:7
recommendation [1] - 54:24
recommended [4] - 93:19, 100:1, 109:14, 117:24
recommending [1] - 23:17
recommends [2] - 20:8, 109:20
record [14] - 5:18, 9:21, 75:13, 78:23, 86:3, 86:16, 96:11, 96:18, 97:3, 97:5, 97:8, 128:8, 128:11, 143:16
Recording [2] - 1:18, 72:7
records [2] - 42:18, 79:3
recreational [1] - 84:10
red [8] - 33:11, 33:13, 47:25, 48:9, 48:10, 49:2, 49:4, 50:25
redeveloped [2] - 94:6, 95:25
redevelopment [5] - 89:1, 89:5, 93:25, 134:14, 137:21
reduce [1] - 24:17
reduced [2] - 87:9, 104:7
reduction [2] - 91:15, 104:25
refer [1] - 48:12
reference [1] - 121:17
referenced [2] - 65:21, 67:6
refuge [1] - 60:19
refuse [3] - 35:9, 74:16, 74:19
regal [1] - 126:6
regard [4] - 55:7, 89:5, 89:10, 94:8
regarding [5] - 47:13, 88:7, 92:1, 92:6, 93:15
regards [3] - 86:10, 119:13, 119:21
regional [2] - 28:9, 102:19
register [1] - 79:12
Registered [1] - 145:7
regular [3] - 141:12, 142:10, 142:12
regularly [2] - 142:7, 143:1
regulated [2] - 89:19, 90:14
regulates [1] - 89:21
regulations [2] - 89:15, 91:11
regulatory [1] - 113:23
relate [1] - 95:11
related [2] - 15:19, 30:15
relates [1] - 93:22
relative [7] - 39:23, 97:18, 98:8, 99:1, 99:13, 101:4, 107:9
relatively [2] - 19:21, 36:21
relevant [8] - 99:11, 100:11, 100:12, 101:10, 102:12, 103:11, 103:25, 107:7
relief [1] - 56:2
remainder [2] - 22:8, 87:18
remediate [1] - 121:21
remediated [1] - 107:23
remediating [1] - 89:11
remediation [7] - 9:3, 77:22, 84:22, 88:1, 88:4, 89:6, 123:18
remember [1] - 76:10
remind [1] - 103:10
removal [2] - 109:21, 110:10
remove [4] - 39:10, 77:15, 114:21
removed [1] - 108:8
removing [3] - 17:16, 17:25, 77:22
render [2] - 23:4, 99:7
rendering [6] - 70:18, 71:9, 71:10, 71:14, 72:15, 73:3
rent [2] - 64:5, 84:2
rental [3] - 123:22, 123:25, 125:4
renters [1] - 125:2
renting [1] - 134:24
repeat [2] - 24:6, 123:4
replicate [1] - 49:20
report [17] - 6:13, 6:19, 7:5, 7:17, 15:12, 18:9, 23:25, 25:8, 69:16, 69:18, 96:11, 97:15, 104:19, 109:12, 110:12, 110:24, 141:3
reported [1] - 129:11
reporter [1] - 67:16
Reporter [4] - 1:21, 145:7, 145:8
REPORTING [1] - 1:23
reports [6] - 6:24, 69:2, 69:5, 96:14, 97:5, 97:14
representation [1] - 78:2
representations [1] - 77:11
representative [1] - 18:10
represented [2] - 7:21, 76:13
representing [1] - 5:19
request [14] - 5:25, 54:23, 55:13, 55:16, 55:20, 55:25, 56:1, 105:17, 107:4, 125:22, 126:11, 140:9, 143:7
requested [1] - 141:16
requesting [2] - 4:16, 21:12
requests [1] - 69:8
require [1] - 45:4
required [3] - 20:16, 62:1, 89:18
requirement [3] - 45:3, 62:8, 89:21
requirements [6] - 4:9, 19:22, 62:1, 63:4, 63:25, 126:4
requires [5] - 19:24, 38:11, 65:23, 106:1, 119:23
requiring [1] - 62:3
reschedule [1] - 140:9
research [3] - 123:4, 123:16, 138:24
reserved [1] - 64:18
residence [3] - 17:5, 87:17, 91:23
residences [2] - 20:25, 54:13
resident [1] - 50:21
residential [33] - 12:12, 12:20, 12:25, 13:1, 13:9, 14:9, 16:21, 20:23, 21:8, 21:19, 26:25, 28:7, 30:14, 30:16, 40:24, 45:4, 54:4, 62:2, 62:11, 62:18, 63:14, 88:13, 91:3, 91:14, 91:19, 92:14, 92:22, 93:18, 95:3, 95:12, 104:17, 124:6, 124:23
residents [13] - 15:20, 21:24, 22:1, 27:14,

46:1, 46:2, 50:8, 51:10, 60:14, 62:9, 62:13, 62:25, 116:17
respect [14] - 29:6, 84:22, 97:24, 99:12, 99:15, 101:1, 101:25, 103:19, 106:8, 106:22, 107:1, 107:17, 109:8, 128:23
respectful [1] - 29:9
respond [4] - 83:4, 140:21, 140:22, 140:25
response [22] - 38:15, 45:10, 70:5, 70:9, 74:24, 75:8, 85:4, 85:7, 96:6, 103:13, 108:19, 115:23, 116:1, 120:11, 122:3, 126:20, 131:20, 131:24, 136:7, 137:11, 139:19, 144:5
responsible [1] - 111:17
restated [1] - 125:21
restaurants [1] - 63:10
resting [2] - 39:24, 39:25
restricted [1] - 17:23
restriction [1] - 83:25
results [5] - 90:18, 91:13, 91:14, 91:17, 91:18
retail [36] - 14:5, 14:6, 14:7, 14:17, 17:6, 20:14, 20:23, 21:9, 21:19, 22:10, 40:11, 40:12, 40:13, 40:16, 40:21, 41:3, 41:9, 42:22, 42:23, 43:2, 43:8, 43:10, 43:19, 43:24, 44:11, 44:12, 44:17, 44:21, 46:12, 53:13, 59:22, 64:17, 83:18, 104:15
retain [1] - 92:22
return [1] - 22:1
reverse [1] - 30:4
review [6] - 68:21, 87:4, 90:8, 97:16, 114:6, 141:22
reviewing [1] - 103:23
reviews [1] - 103:22
revise [1] - 25:8
revised [1] - 110:4
revision [3] - 98:3, 98:6, 102:12
revisions [3] - 87:8, 100:7, 107:3
revitalization [2] - 88:3, 93:11
revitalized [2] - 94:6, 95:17
RF [2] - 88:20, 88:22
RICCI [11] - 1:19, 3:7, 86:3, 86:12, 86:20, 95:2, 95:6, 95:9, 95:19, 96:9, 96:13
Ricci [6] - 85:20, 86:4, 86:16, 94:23, 96:5, 141:20
Ricci's [1] - 140:22
rid [2] - 115:8, 135:17
ride [1] - 139:7
right-hand [2] - 33:24, 37:15
rights [2] - 13:16, 13:17
RINALDI [1] - 2:6
rise [1] - 60:2
risk [1] - 8:4
RMR [1] - 145:24
road [8] - 22:17, 22:19, 49:25, 51:9, 56:21, 60:21, 80:12, 133:9
Road [2] - 68:5, 68:8
ROAD [1] - 1:23
roadway [4] - 33:19, 39:18, 60:11, 105:5
Roche [3] - 123:18, 125:25, 126:8
role [1] - 80:11
room [1] - 84:15
root [1] - 73:13
Rosino [1] - 130:17
ROSINO [6] - 3:15, 130:17, 130:18, 131:1, 131:4, 131:17
rough [2] - 34:20, 104:12
round [1] - 115:7
Route [4] - 34:10, 35:9, 118:11, 118:20
RSIS [4] - 19:25, 20:2, 20:8, 20:9
rules [1] - 89:15
rumors [1] - 128:3
run [3] - 76:22, 113:7, 113:18
RYDER [2] - 1:14, 5:5
Ryder [1] - 5:4

S

S-K-A-N-D-E-R [1] - 75:17
Saddle [1] - 2:4
safe [4] - 19:10, 37:2, 124:8, 124:14
safely [2] - 19:8, 21:11
safety [2] - 36:20, 63:5
sale [2] - 134:19, 134:22
Sally [1] - 117:5
SALLY [1] - 3:13
salute [1] - 4:3
sanitation [1] - 113:10
sat [1] - 122:23
satisfaction [1] - 99:11
satisfied [1] - 101:3
Saturday [2] - 34:8, 35:8
Saturdays [1] - 35:4
save [1] - 124:16
saw [3] - 102:13, 134:19, 134:25
scale [5] - 48:24, 48:25, 49:19, 84:20, 93:17
Scarpelli [1] - 105:14
scenario [12] - 14:2, 14:25, 18:6, 31:3, 50:17, 50:25, 51:11, 59:21, 65:9, 104:19, 125:17
scenarios [5] - 12:15, 17:1, 17:11, 36:21, 36:25
schedule [2] - 141:21, 142:24
scheduled [4] - 46:8, 142:8, 142:13, 143:2
schedules [2] - 57:24, 58:1
school [4] - 78:20, 79:13, 119:10, 123:9
schoolchildren [1] - 78:19
schoolkids [1] - 79:1
screen [1] - 98:11
screening [1] - 101:7
Scrudato [1] - 5:8
SCRUDATO [210] - 1:12, 4:1, 4:5, 5:9, 5:12, 6:15, 7:10, 7:13, 7:16, 9:1, 9:15, 9:18, 9:24, 10:4, 10:9, 10:14, 10:18, 10:20, 23:22, 33:1, 33:5, 33:9, 33:12, 33:17, 33:25, 34:3, 38:5, 38:14, 38:18, 39:1, 39:6, 39:9, 40:7, 40:12, 40:14, 44:15, 44:18, 44:25, 45:8, 45:11, 46:17, 47:1, 47:8, 47:11, 47:14, 47:18, 58:15, 58:20, 58:24, 59:2, 59:5, 59:11, 60:25, 61:6, 61:11, 65:17, 67:2, 67:9, 67:12, 67:17, 67:21, 68:2, 68:6, 68:11, 68:16, 69:23, 70:1, 70:10, 70:19, 70:21, 70:25, 71:5, 71:25, 72:4, 72:10, 74:7, 74:11, 74:14, 74:18, 74:22, 74:25, 75:4, 75:9, 75:11, 75:20, 75:25, 77:17, 77:19, 78:3, 79:17, 80:20, 80:24, 81:4, 81:7, 81:13, 83:16, 85:2, 85:5, 85:8, 85:12, 85:15, 85:19, 85:22, 86:1, 86:5, 86:9, 94:21, 95:14, 96:2, 96:7, 96:10, 96:15, 96:17, 96:22, 97:7, 97:10, 108:15, 110:9, 111:1, 111:4, 112:7, 112:18, 113:6, 113:15, 114:8, 114:13, 115:4, 115:21, 115:24, 116:2, 116:5, 116:23, 117:3, 117:8, 117:11, 117:16, 118:17, 118:23, 119:2, 119:5, 119:9, 119:12, 119:18, 120:5, 120:8, 120:12, 120:15, 120:18, 120:21, 120:25, 121:25, 122:4, 122:12, 122:16, 126:15, 126:18, 126:21, 127:1, 127:4, 127:7, 127:10, 127:14, 127:19, 128:5, 128:9, 129:2, 129:9, 129:18, 130:3, 130:12, 130:15, 130:19, 130:24, 131:3, 131:15, 131:18, 131:21, 131:25, 132:3, 132:6, 132:10, 134:4, 136:5, 136:8, 136:11, 136:16, 136:21, 137:8, 137:14, 137:25, 138:8, 138:14, 138:22, 139:3, 139:14, 139:17, 139:20, 139:23, 140:8, 141:11, 141:24, 142:7, 142:18, 142:22, 142:25, 143:4, 143:7, 143:23, 144:2, 144:4
season [1] - 18:15
seasonal [1] - 18:13
seat [1] - 50:15
second [6] - 14:2, 64:13, 97:16, 113:20, 130:4, 144:1
seconds [8] - 32:1, 32:3, 32:6, 32:8, 51:9, 60:5, 60:6
Secretary [3] - 1:18, 4:6, 72:7
secretary [1] - 86:2
section [2] - 88:6, 92:7
Section [1] - 4:9
security [3] - 124:9, 124:11, 124:20
sediment [1] - 102:21
see [19] - 15:9, 40:4, 56:2, 70:1, 70:7, 75:5, 82:13, 87:2, 103:13, 108:17, 117:23, 118:14, 124:13, 124:18, 126:9, 137:9, 138:24, 141:24
seeing [3] - 28:23, 106:5, 118:3
seek [3] - 102:20, 102:22, 103:6
seeking [1] - 87:13
self [3] - 63:19, 97:22, 106:19
self-explanatory [2] - 97:22, 106:19
self-sufficient [1] - 63:19
sense [3] - 44:7, 117:25, 118:1
sent [1] - 4:14
separate [4] - 81:5, 101:18, 101:19, 101:21
September [3] - 18:17, 23:25, 87:6
sequence [1] - 33:13
SERGE [1] - 1:15
Serge [1] - 34:3
service [12] - 12:22, 13:3, 18:23, 18:24,

18:25, 19:5, 34:14, 39:15, 42:20, 105:4, 105:5
serviced [1] - 100:20
services [2] - 41:16, 84:4
set [2] - 60:12, 125:16
setback [2] - 91:18, 91:21
setbacks [1] - 91:8
setting [1] - 126:2
seven [7] - 11:1, 12:6, 13:14, 26:12, 86:13, 86:22, 86:25
several [2] - 9:8, 106:23
sewage [1] - 100:4
share [1] - 107:10
shared [7] - 21:21, 22:3, 22:5, 44:20, 63:1, 63:6, 64:4
shares [1] - 20:1
sheet [2] - 97:23, 98:25
Sheet [11] - 48:20, 97:24, 98:7, 99:9, 100:2, 100:11, 101:1, 101:10, 101:12, 101:25, 102:2
shoehorned [1] - 63:22
shop [1] - 44:13
short [3] - 85:23, 94:15, 126:22
shorten [1] - 68:14
show [11] - 71:15, 72:18, 78:14, 82:16, 87:20, 93:5, 98:20, 104:2, 109:20, 112:14, 125:3
showed [1] - 71:10
showing [2] - 72:15, 72:19
shown [8] - 48:20, 48:21, 91:5, 102:8, 104:18, 104:22, 113:4, 121:18
shows [2] - 93:2, 104:19
shrub [2] - 109:22, 109:23
shrubbery [1] - 72:17
shrubs [1] - 72:20
side [15] - 8:24, 74:21, 88:24, 91:9, 91:12, 91:21, 103:24, 103:25, 105:9, 105:15, 110:18, 123:17, 133:5, 135:24
side-yard [1] - 91:21
sidewalk [1] - 103:3
sights [1] - 125:24
sign [1] - 80:6
signage [9] - 99:12, 99:15, 99:17, 99:22, 99:24, 102:4, 113:16, 113:19
signal [4] - 105:10, 105:18, 112:2, 112:4
signals [2] - 51:13, 54:15
signed [1] - 79:11
significant [4] - 13:24, 37:9, 40:6, 104:9
signs [3] - 113:22, 113:24
similar [2] - 28:18, 100:15
single [8] - 12:21, 28:19, 30:24, 30:25, 36:17, 87:17, 87:19, 91:3
single-family [7] - 12:21, 28:19, 30:25, 36:17, 87:17, 87:19, 91:3
sit [2] - 28:6, 30:10
site [53] - 11:18, 12:19, 14:5, 14:22, 15:1, 16:9, 16:15, 17:1, 19:4, 19:7, 19:9, 20:21, 21:10, 31:17, 35:16, 35:22, 36:22, 36:23, 37:12, 37:13, 39:17, 40:1, 40:8, 48:13, 57:14, 57:16, 57:22, 58:1, 63:18, 66:20, 72:20, 79:22, 87:25, 88:5, 91:6, 93:5, 97:17, 98:17, 98:22, 99:7, 100:3, 101:9, 105:1, 112:16, 115:11, 115:13, 117:21, 123:15
sitting [2] - 82:24, 116:20
situation [6] - 9:14, 13:21, 13:22, 64:23, 129:17, 135:4
six [7] - 12:4, 13:14, 58:11, 65:1, 91:21, 120:3
size [2] - 45:22, 107:9
SKANDER [1] - 3:5
Skander [3] - 75:10, 75:14, 75:17
slam [1] - 89:3
small [5] - 14:19, 22:20, 22:22, 23:14, 91:24
smaller [4] - 82:21, 95:10, 95:11, 113:1
so.. [1] - 26:20
soil [5] - 7:5, 101:16, 101:17, 102:21, 107:21
someone [8] - 33:22, 64:19, 114:5, 118:8, 118:13, 118:21, 134:24, 139:10
sometime [2] - 56:13, 80:8
sometimes [3] - 86:22, 86:24, 106:12
somewhat [1] - 105:23
somewhere [5] - 14:7, 21:6, 37:19, 51:21, 115:16
soon [1] - 62:14
sooner [1] - 135:16
sorry [12] - 22:9, 24:7, 24:12, 24:21, 42:3, 52:15, 55:24, 60:9, 116:2, 120:22, 129:9, 132:2
sought [1] - 102:9
sound [1] - 23:3
south [2] - 48:3, 123:17
space [15] - 16:22, 49:23, 50:12, 61:23, 64:7, 64:10, 64:15, 76:14, 76:19, 76:20, 83:20, 84:6, 90:7, 90:19, 99:14
Space [2] - 22:7, 22:8
spaces [32] - 19:23, 21:13, 21:14, 21:18, 22:4, 22:6, 22:14, 22:15, 22:17, 23:10, 45:5, 46:5, 46:8, 46:15, 50:23, 62:2, 62:3, 64:12, 64:13, 64:17, 66:25, 84:10, 106:22, 107:1, 107:10, 113:19, 113:25, 114:1
speaking [4] - 26:12, 91:4, 112:2, 112:3
speaks [1] - 94:1
special [5] - 4:10, 8:13, 88:2, 124:23, 126:12
species [1] - 101:6
specific [4] - 27:4, 27:24, 89:21, 93:10
specifically [3] - 92:10, 93:2, 121:10
specifics [1] - 69:14
speech [1] - 127:24
spell [11] - 10:4, 47:15, 59:2, 61:3, 75:12, 75:15, 86:2, 117:8, 120:18, 122:8, 136:13
spent [1] - 7:24
spoken [1] - 111:14
spread [2] - 37:24, 82:19
spreading [1] - 9:11
square [6] - 16:22, 41:5, 43:11, 44:1, 46:12, 83:20
stability [1] - 125:5
STAIGAR [151] - 3:3, 10:1, 10:6, 10:23, 24:2, 24:6, 24:11, 24:14, 24:18, 25:2, 25:7, 25:15, 25:19, 25:22, 26:6, 26:9, 26:15, 26:18, 26:21, 27:2, 27:5, 27:7, 27:13, 28:3, 29:9, 30:1, 30:17, 30:19, 31:10, 31:12, 31:15, 31:24, 32:3, 32:6, 32:8, 32:10, 32:12, 32:14, 32:16, 32:18, 32:20, 32:22, 32:24, 33:4, 33:7, 33:14, 33:21, 34:5, 34:18, 34:24, 35:2, 35:6, 35:11, 35:16, 35:19, 35:24, 36:5, 36:16, 37:4, 37:8, 38:3, 38:7, 38:17, 38:20, 39:5, 39:8, 39:12, 40:10, 40:13, 40:15, 40:20, 40:22, 40:25, 41:4, 41:7, 41:12, 41:17, 41:22, 42:7, 42:10, 42:13, 42:16, 42:24, 43:4, 43:7, 43:10, 43:14, 43:17, 43:19, 44:3, 44:5, 44:11, 44:17, 44:24, 45:2, 45:13, 45:19, 46:16, 46:21, 46:24, 47:24, 48:6, 48:12, 48:18, 49:4, 49:8, 49:11, 49:13, 49:18, 49:24, 50:4, 51:4, 51:7, 51:16, 52:2, 52:6, 52:14, 52:18, 52:23, 53:1, 53:8, 54:25, 55:10, 55:17, 56:24, 57:12, 58:3, 58:14, 58:19, 59:15, 59:18, 60:4, 60:10, 60:24, 61:22, 63:16, 63:24, 64:8, 64:11, 65:7, 65:13, 65:16, 65:22, 66:1, 66:8, 66:12, 66:22, 67:7, 67:11, 67:13
Staigar [18] - 10:3, 10:16, 10:25, 22:23, 25:12, 31:5, 37:5, 38:5, 45:12, 47:3, 48:8, 58:16, 59:13, 61:12, 67:10, 103:23, 106:17, 112:3
stand [8] - 4:3, 11:20, 26:6, 29:11, 39:13, 63:4, 71:17, 126:7
standard [7] - 6:25, 20:2, 20:7, 20:9, 23:15, 90:1, 112:19
standards [4] - 23:16, 26:11, 28:9, 89:20
standpoint [4] - 90:23, 91:25, 101:8, 101:9
start [6] - 31:23, 31:25, 63:11, 63:12, 73:20, 97:23
started [1] - 134:14
starting [1] - 77:7
State [2] - 28:13, 145:8
state [11] - 9:20, 28:25, 51:13, 51:16, 51:18, 54:14, 57:5, 86:25, 111:8, 120:1, 145:10
statement [3] - 55:3, 102:11, 113:2
States [1] - 28:17
station [29] - 12:5, 12:19, 12:23, 13:8, 13:19, 14:10, 17:4, 20:13, 26:2, 29:7, 29:11, 29:13, 29:17, 30:3, 30:6, 30:13, 30:20, 36:7, 36:9, 39:3, 78:5, 88:6, 89:2, 94:5, 95:16, 119:22, 131:6, 134:10, 135:14
statistically [1] - 28:15
status [2] - 104:23, 104:24
stay [3] - 53:16, 59:23, 131:16
stayed [1] - 41:17
stealing [1] - 91:15

Steck [5] - 87:15, 88:25, 92:4, 93:1, 116:12
stems [1] - 93:21
stenographer [1] - 143:15
stenographic [1] - 145:11
Steve [1] - 70:16
STEVEN [1] - 3:4
Steven [1] - 70:23
sticking [2] - 24:16, 81:21
still [13] - 11:6, 11:20, 16:7, 19:10, 29:8, 29:24, 31:15, 31:19, 45:7, 64:16, 109:22, 125:14, 141:8
stop [11] - 17:25, 48:20, 48:22, 49:5, 49:7, 49:8, 49:9, 49:12, 49:16, 106:19, 137:2
stopped [1] - 8:2
storage [1] - 74:16
store [2] - 15:2, 15:3
stores [3] - 44:9, 113:17, 125:17
stories [7] - 84:18, 87:9, 87:10, 89:22, 89:23, 90:12, 95:1
storms [1] - 115:3
stormwater [9] - 100:12, 100:13, 102:5, 102:7, 102:11, 114:21, 115:2, 115:16, 115:19
stormwater's [1] - 102:6
story [7] - 82:23, 90:10, 90:13, 95:6, 95:7, 111:22, 135:25
straight [1] - 125:18
straighten [1] - 108:21
straightened [1] - 41:15
straw [1] - 85:23
stream [1] - 15:12
STREET [2] - 1:5, 1:6
street [6] - 53:17, 63:16, 83:8, 91:11, 118:4, 133:8
Street [23] - 2:7, 10:7, 10:11, 12:24, 19:12, 29:12, 34:9, 37:25, 38:3, 59:7, 59:9, 61:8, 77:5, 80:1, 100:18, 108:8, 109:24, 113:14, 130:18, 130:22, 137:17, 137:18, 137:20
streets [1] - 56:25
streetscape [1] - 83:8
stress [1] - 89:17
stricter [1] - 90:1
strike [1] - 128:18
structure [3] - 102:13, 114:16, 114:24
stuck [1] - 125:23
students [2] - 6:3, 6:5
studies [3] - 56:22, 65:8, 65:21
study [8] - 29:14, 54:14, 65:25, 66:3, 89:1, 107:6, 111:8, 111:20
subject [2] - 13:4, 56:9
submit [1] - 38:21
submitted [7] - 8:13, 8:22, 15:13, 38:6, 38:15, 97:8, 97:14
submitting [1] - 7:16
substantial [3] - 13:23, 15:3, 40:5
suburban [1] - 92:18
sufficient [2] - 63:19, 66:19
suggest [1] - 109:5
suggesting [1] - 112:21
suggestion [4] - 109:4, 109:6, 109:8, 113:16
suggestions [1] - 116:9
suggests [1] - 113:3
suitability [1] - 94:1
suitable [1] - 94:2
Suite [3] - 2:3, 96:21, 96:24
suited [1] - 87:22
sum [3] - 23:2, 87:24, 132:13
summary [1] - 103:21
sump [2] - 114:25, 115:8
Sun [3] - 4:11, 129:7, 129:11
Sunday [1] - 35:8
Sundays [1] - 35:5
Sunshine [1] - 4:6
superficial [1] - 99:1
superstructure [1] - 98:19
supply [1] - 100:9
supporting [2] - 118:15, 121:15
supports [1] - 88:2
Supreme [1] - 22:23
surrounded [1] - 126:2
surrounding [2] - 20:4, 95:3
surroundings [1] - 124:17
survive [2] - 73:17, 73:25
SUZANNE [1] - 1:15
sworn [19] - 9:21, 10:13, 47:21, 59:8, 59:10, 61:9, 68:1, 68:9, 71:4, 75:24, 86:8, 97:1, 117:14, 121:3, 122:15, 130:22, 132:9, 132:11, 136:19
synopsis [1] - 94:16
system [7] - 20:22, 73:13, 100:21, 114:24, 114:25, 115:1, 141:9

T

table [2] - 24:20, 41:12
Table [3] - 24:21, 41:13
talks [1] - 92:17
tall [1] - 71:11
tanks [5] - 8:1, 9:5, 9:9, 77:15, 77:22
targeted [1] - 93:3
tasteful [1] - 138:20
tax [1] - 123:1
taxes [2] - 123:1, 138:15
taxpayer [2] - 126:23, 138:17
technical [1] - 68:20
technically [1] - 19:25
template [1] - 98:15
ten [2] - 32:3, 82:9
tenant [2] - 58:3, 83:19
tenants [3] - 57:24, 84:5, 84:8
terms [16] - 8:9, 20:6, 31:12, 31:16, 33:7, 36:15, 36:20, 39:21, 54:22, 88:4, 90:3, 90:14, 98:11, 101:14, 102:25, 106:14
Terrace [2] - 120:23, 121:2
terrible [1] - 35:5
test [2] - 8:2, 109:16
tested [1] - 28:4
testified [9] - 10:13, 10:21, 68:10, 71:4, 75:24, 86:8, 97:1, 101:8, 105:6
testify [4] - 69:7, 106:21, 140:17, 141:5
testifying [1] - 90:1
testimony [31] - 5:23, 6:4, 8:7, 11:21, 15:18, 15:19, 16:6, 17:20, 23:2, 24:13, 39:13, 47:13, 52:12, 57:22, 57:23, 60:9, 68:15, 69:13, 69:25, 74:2, 85:13, 86:13, 86:21, 87:23, 89:10, 90:22, 96:8, 109:9, 109:16, 116:3, 140:3
testing [1] - 77:16
THE [3] - 1:3, 3:8, 3:12
the.. [1] - 33:4
theatrical [1] - 122:25
there'd [1] - 50:10
there'll [2] - 22:2, 56:24
therefore [1] - 16:5
they've [6] - 97:7, 106:25, 114:1, 116:20, 132:8, 132:10
thinking [2] - 39:10, 79:8
third [3] - 14:25, 26:24, 27:15
thirdly [1] - 128:20
thirds [3] - 15:16, 16:7
Thomas [1] - 5:18
THOMAS [2] - 1:12, 2:8
thousand [1] - 43:11
three [34] - 12:6, 12:15, 12:20, 13:25, 17:1, 17:11, 21:13, 23:10, 36:21, 36:24, 43:10, 43:21, 43:25, 50:8, 50:10, 50:19, 64:20, 67:16, 73:6, 73:8, 77:5, 77:6, 79:8, 79:25, 80:22, 82:23, 84:18, 87:10, 89:24, 91:2, 95:7, 134:23, 135:4, 135:25
three-family [1] - 12:6
three-story [3] - 82:23, 95:7, 135:25
threshold [1] - 7:6
throughout [1] - 28:17
thrown [1] - 66:7
tie [1] - 142:15
tight [1] - 63:23
time-wise [1] - 33:5
timed [2] - 50:25, 60:5
timing [4] - 105:18, 105:19, 112:4
tired [2] - 78:4, 125:20
today [10] - 13:3, 20:7, 22:17, 22:20, 39:15, 49:25, 57:23, 71:17, 105:1, 134:19
TODD [2] - 1:18, 3:7
Todd [4] - 96:16, 96:17, 96:20, 116:2
together [1] - 93:22
Tom [5] - 67:23, 75:1, 112:22, 113:7, 130:7
tonight [4] - 6:16, 103:20, 110:17, 130:6
took [6] - 18:9, 18:13, 18:17, 30:6, 39:15, 122:19
top [3] - 13:19, 14:13, 91:6
topic [1] - 56:7
total [10] - 6:1, 12:19, 22:15, 24:25, 25:4, 25:5, 30:21, 78:17, 89:23, 114:10
totally [2] - 113:18, 117:21
towards [3] - 21:25, 34:10, 50:7
town [12] - 16:3, 101:5, 121:6, 121:15, 121:18, 125:2, 127:17, 132:22, 138:17, 138:18, 139:9, 139:11
Town [1] - 126:23
towns [2] - 28:7, 107:8
TOWNSHIP [1] - 1:1
township [27] - 11:11, 27:23, 55:2, 62:4, 62:8, 66:13, 66:23, 68:21, 89:1, 92:9, 92:21, 93:8, 95:24, 101:23, 103:1, 105:9, 105:15, 106:4, 108:5, 109:1, 113:5, 113:7, 115:20, 116:9, 119:23
Township [6] - 1:8, 4:12, 4:13, 4:15, 27:8, 92:18

townships [1] - 20:4
tracks [1] - 27:22
tract [4] - 88:3, 89:7, 89:11, 91:10
tractor [6] - 16:12, 16:13, 16:16, 16:17, 16:19
tractor-trailer [3] - 16:12, 16:16, 16:17
tractor-trailers [1] - 16:19
traditional [1] - 91:8
traditionally [1] - 90:5
traffic [77] - 5:21, 9:17, 10:16, 12:8, 13:22, 13:23, 13:24, 14:16, 14:17, 14:18, 14:24, 15:4, 15:7, 15:8, 15:11, 15:12, 15:16, 15:17, 15:22, 15:25, 16:1, 16:7, 16:8, 17:16, 17:25, 18:8, 18:9, 18:15, 18:17, 19:19, 20:17, 23:3, 25:9, 31:17, 33:20, 36:18, 37:9, 38:25, 40:2, 40:8, 40:16, 50:20, 51:19, 53:4, 53:9, 53:10, 53:11, 53:15, 54:2, 54:11, 54:12, 54:14, 54:16, 55:8, 56:22, 57:3, 57:4, 60:8, 103:19, 103:22, 104:18, 105:11, 107:12, 107:19, 108:11, 111:8, 111:24, 112:17, 117:19, 118:20, 123:8, 131:6, 131:13, 136:25, 137:3
trailer [4] - 16:12, 16:14, 16:16, 16:17
trailers [2] - 16:18, 16:19
train [12] - 25:17, 25:21, 25:22, 26:2, 29:1, 29:7, 29:11, 29:12, 29:15, 29:17, 30:3, 30:6
trains [1] - 29:17
tranquil [1] - 124:8
tranquility [1] - 125:9
TRANSCRIPT [1] - 1:4
transcript [4] - 116:8, 116:12, 128:15, 145:11
transient [1] - 125:2
Transit [5] - 20:19, 25:16, 25:23, 25:25, 26:5
transit [13] - 21:1, 21:3, 21:4, 21:7, 21:10, 27:20, 28:11, 29:7, 29:20, 29:22, 34:20, 106:18
Transportation [1] - 15:14
travel [1] - 135:20
treated [1] - 90:25
treatment [1] - 102:16
tree [1] - 101:5
trees [10] - 72:17, 72:20, 73:21, 73:25, 83:13, 109:22, 110:10, 132:23, 133:3
trimmed [1] - 31:18
trip [23] - 13:6, 16:25, 17:10, 19:18, 20:11, 20:15, 24:15, 24:25, 28:12, 29:13, 29:25, 30:7, 34:25, 35:15, 36:15, 36:25, 37:13, 41:18, 41:19, 42:1, 104:5, 104:6, 104:13
trip-generation [2] - 28:12, 42:1
trips [54] - 13:9, 13:12, 13:13, 14:8, 14:11, 15:5, 15:9, 15:10, 17:2, 17:5, 17:7, 17:8, 17:9, 19:3, 21:3, 24:17, 25:3, 25:5, 26:24, 28:1, 30:11, 30:15, 30:20, 36:1, 36:2, 36:10, 36:11, 37:6, 37:10, 37:11, 37:20, 38:1, 39:17, 40:3, 40:4, 40:17, 43:11, 43:13, 43:14, 43:15, 43:16, 43:22, 43:24, 43:25, 44:4, 44:8, 51:22, 51:24
truck [22] - 14:16, 14:17, 14:20, 45:22, 45:23, 45:24, 46:19, 46:23, 57:17, 58:7, 58:9, 58:10, 74:18, 98:14, 98:16, 98:21, 112:14, 112:20, 112:21, 113:11, 133:13
trucks [7] - 14:19, 45:21, 56:20, 57:9, 57:13, 112:8, 112:10
true [4] - 26:21, 77:14, 128:3, 145:10
try [7] - 49:19, 60:18, 68:14, 83:5, 83:12, 118:13, 140:14
trying [9] - 16:14, 31:17, 35:9, 50:17, 50:18, 50:21, 63:21, 82:14, 133:14
Tuesday [1] - 58:9
tune [1] - 27:22
turn [17] - 16:12, 33:23, 33:24, 37:15, 37:16, 48:4, 50:17, 50:18, 51:13, 52:3, 53:9, 54:15, 112:16, 133:14, 140:24, 142:2
turn/right [1] - 51:12
turnaround [2] - 14:19, 38:13
turning [3] - 50:9, 50:11, 98:14
turns [3] - 17:24, 33:16, 50:7
Two [1] - 2:3
two [61] - 6:20, 8:24, 12:23, 13:25, 14:14, 15:16, 16:7, 16:9, 21:14, 22:11, 26:13, 26:14, 30:7, 30:17, 30:18, 30:20, 41:23, 42:13, 43:20, 46:8, 49:1, 50:18, 63:2, 64:3, 64:19, 64:20, 64:21, 65:2, 65:5, 74:11, 78:16, 78:22, 78:25, 79:23, 79:24, 81:8, 89:23, 90:12, 91:11, 91:12, 92:15, 95:1, 95:6, 96:14, 97:4, 97:14, 97:25, 109:22, 112:3, 113:21, 113:23, 123:13, 127:24, 128:12, 128:18, 137:16, 137:19, 137:20, 141:12, 142:14
two-bedroom [1] - 78:22
two-bedrooms [1] - 78:25
two-story [1] - 95:6
two-thirds [3] - 15:16, 16:7
type [11] - 22:12, 45:21, 45:22, 51:11, 57:18, 62:6, 98:11, 101:13, 111:20, 114:17, 114:22
types [2] - 28:18, 115:15
typical [2] - 49:24, 65:10
typically [3] - 21:24, 43:19, 65:20

U

U.S [3] - 26:22, 27:8, 27:16
ugly [1] - 120:4
ultimate [1] - 18:7
um-hum [3] - 74:4, 126:25, 131:17
unavailable [1] - 113:18
under [27] - 7:23, 18:5, 19:1, 19:2, 22:23, 67:22, 77:13, 77:15, 77:21, 78:2, 80:25, 81:8, 81:11, 88:17, 88:19, 90:16, 97:24, 98:7, 98:13, 98:24, 99:9, 99:10, 99:13, 100:2, 103:7, 128:11
underground [5] - 100:20, 114:16, 124:10, 124:12, 125:18
underneath [1] - 46:20
understood [1] - 39:8
undertake [1] - 141:10
underway [1] - 67:22
unit [5] - 22:7, 22:10, 61:24, 64:15, 65:11
United [1] - 28:17
units [36] - 6:2, 6:6, 12:12, 12:20, 13:9, 14:9, 16:21, 21:19, 22:6, 23:10, 24:5, 24:9, 30:14, 30:16, 30:19, 30:22, 30:24, 41:15, 44:21, 61:24, 64:11, 65:1, 65:11, 65:14, 82:7, 82:8, 82:12, 82:16, 84:4, 84:6, 84:13, 123:22, 125:4
unless [2] - 44:13, 54:13
up [45] - 5:15, 6:1, 7:22, 21:15, 23:2, 25:10, 28:14, 29:15, 29:16, 31:6, 31:8, 33:21, 38:9, 46:6, 56:10, 59:22, 60:14, 64:13, 73:1, 77:23, 81:17, 86:22, 86:25, 87:24, 100:23, 101:7, 101:13, 105:7, 113:12, 115:12, 115:17, 119:24, 123:21, 129:19, 132:13, 133:13, 134:11, 134:12, 135:2, 138:12, 138:19, 138:24, 140:1, 142:5, 142:15
update [2] - 110:20, 121:13
updated [1] - 87:7
upper [2] - 21:15, 21:20
UPS [2] - 45:22, 46:19
upscale [1] - 66:6
uses [16] - 12:8, 12:23, 13:7, 13:13, 14:4, 14:5, 17:5, 20:14, 20:16, 20:23, 21:4, 36:6, 62:10, 63:2, 64:3
utility [1] - 100:3
utilization [1] - 21:7
utilize [4] - 16:17, 20:24, 46:5, 88:17
utilized [5] - 13:15, 16:23, 18:19, 20:4, 27:23
utilizing [2] - 21:20, 87:21

V

V-I-O-L-A [2] - 120:17, 120:20
vacancies [1] - 93:8
vacant [4] - 35:16, 40:1, 95:20, 105:1
valid [1] - 22:25
Valley [2] - 68:5, 68:8
value [1] - 124:22
values [2] - 125:6, 137:19
variance [8] - 21:12, 23:5, 87:13, 87:14, 89:18, 90:2, 106:25, 127:2
variances [6] - 19:22, 23:7, 23:18, 124:2, 125:22, 126:12
variation [1] - 18:13
varies [1] - 56:12
vegetation [1] - 73:12
vehicle [8] - 14:8, 31:24, 57:18, 60:13, 60:20, 61:25, 113:1, 113:2

vehicles [3] - 20:18, 27:18, 60:14
verbatim [1] - 145:11
versa [1] - 43:21
versus [1] - 66:4
vested [2] - 125:1, 125:3
vibrant [1] - 92:8
vice [1] - 43:21
Viola [1] - 120:17
VIOLA [5] - 3:14, 120:17, 120:20, 120:23, 121:4
visitor [1] - 64:9
visitors [5] - 22:10, 61:18, 62:6, 62:9, 64:17
volumes [2] - 16:1, 18:16
vote [6] - 110:16, 128:17, 129:23, 130:6, 141:15, 142:16

W

wait [7] - 51:2, 52:8, 53:4, 53:8, 53:11, 56:16, 75:4
waiting [4] - 33:19, 38:7, 50:13, 71:14
waive [1] - 143:9
walk [3] - 27:20, 82:23, 124:12
walks [2] - 137:5, 138:6
wall [4] - 73:5, 74:21, 98:11, 135:1
wants [4] - 82:15, 124:1, 126:8, 129:3
warning [2] - 113:24
Washington [2] - 28:13, 137:20
wasting [1] - 78:5
watch [2] - 29:14, 31:22
water [7] - 100:3, 102:15, 114:18, 114:22, 114:25, 115:7
water/sewer [1] - 102:18
website [3] - 25:16, 25:23, 129:12
websites [1] - 125:3
week [7] - 43:2, 77:7, 113:11, 140:15, 141:18, 142:3, 142:14
weekdays [1] - 21:23
weekend [3] - 36:12, 105:21, 106:6
weekends [2] - 34:23, 35:3
weeknight [1] - 62:19
weight [1] - 55:12
welcome [9] - 4:2, 25:7, 37:4, 45:13, 58:14, 60:24, 65:16, 85:1, 139:16
west [2] - 48:3, 72:16
WEST [1] - 1:24
West [1] - 2:3
westbound [1] - 105:11
Westwood [1] - 116:12
whereas [4] - 20:23, 37:18, 62:21, 125:2
white [2] - 49:8, 81:22
Whitford [2] - 117:6, 117:13
whole [3] - 84:21, 107:15, 127:17
wholistically [2] - 127:13, 127:16
widow [1] - 122:24
width [1] - 72:25
willing [5] - 121:20, 124:19, 124:21, 141:8, 141:9
wind [2] - 134:10, 134:12
windows [1] - 132:18
wire [1] - 11:10
wisdom [2] - 11:14
wise [1] - 33:5
wish [2] - 133:17, 133:21
witching [1] - 62:24
witness [8] - 23:21, 67:15, 67:23, 75:3, 79:15, 80:16, 131:19, 134:5
witnessed [1] - 108:7
witnesses [2] - 130:9, 140:17
WITNESSES [2] - 3:2, 3:6
wives [1] - 29:16
woefully [1] - 31:8
wonder [2] - 116:21, 118:6
wonderful [1] - 127:24
word [4] - 63:21, 90:15, 92:6
workday [1] - 133:7
worker [1] - 57:16
works [2] - 20:5, 102:16
Works [1] - 102:24
worried [3] - 9:11, 137:2
worse [1] - 124:17
worst [1] - 104:19
worst-case [1] - 104:19
wow [2] - 52:7, 70:12
wrap [1] - 86:24
write [2] - 55:11, 55:21
writes [1] - 109:21
writing [2] - 105:15, 134:25
written [1] - 109:18

X

XIO1731 [1] - 145:24

Y

yard [4] - 91:9, 91:18, 91:21
yards [3] - 91:9, 91:11, 91:12
year [6] - 56:5, 56:13, 67:6, 115:7, 121:12, 142:11
years [21] - 12:5, 12:6, 13:14, 35:23, 39:4, 39:7, 51:5, 76:5, 76:7, 82:9, 82:17, 117:21, 119:2, 119:5, 119:25, 120:3, 124:25, 134:25, 137:1, 137:6, 138:7
York [3] - 28:25, 84:11, 125:18
young [2] - 74:9, 125:7
yourself [7] - 29:5, 61:3, 70:22, 86:2, 96:18, 138:1, 139:4
yup [2] - 39:5, 44:24

Z

zero [1] - 36:1
ZIMMERER [1] - 2:2
zone [15] - 14:4, 14:10, 23:8, 45:16, 45:20, 87:19, 87:20, 88:7, 88:20, 88:22, 90:5, 93:12, 93:23, 94:25
zones [1] - 90:6
zoning [5] - 23:8, 89:14, 91:25, 93:20
ZONING [1] - 1:1
Zoning [2] - 55:25